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- x Canadian Position with Respect to
- x Conventions and Recommendations  
adopted at the  
61st, 62nd (Maritime)  
63rd and 64th Sessions of the
- x International Labour Conference,  
Geneva, June 1976, October 1976,  
June 1977, June 1978

x cda Min of Labour  
X — Cdev, Labour Dept



Labour  
Canada

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International Labour Conference.  
Geneva, June 1976, October 1976, June 1977, June 1978

Published by Authority of the Honourable Gerald A. Regan,  
Minister of Labour,  
Government of Canada.



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## INTRODUCTION

The General Conference of the International Labour Organization adopts international standards in the form of Conventions and Recommendations. Membership in the ILO imposes on member States the obligation to take certain action with respect to these instruments. The required action is set forth in the ILO Constitution.

A member must bring a Convention before the competent authority or authorities for enactment of legislation or for other action; inform the Director-General of the ILO of the measures taken; and report to the ILO periodically, as requested, on the position of its law and practice with respect to the matters dealt with in the Convention.

If a member State ratifies a Convention it thereby assumes the obligation to give effect to its provisions. It must report periodically to the ILO on the measures it has taken to apply the provisions of each ratified Convention. These reports are reviewed by an ILO Committee of Experts, and a summary is submitted to the annual general Conference. There is a procedure for dealing with questions of non-compliance with the provisions of ratified Conventions, which includes the possibility of reference to the International Court of Justice.

A member must also bring a Recommendation to the attention of the competent authorities, inform the ILO of the measures taken, and report as requested on law and practice. A Recommendation, however, is not open to ratification; its purpose is to provide guidance in the development of policy, legislation and practice.

In the case of a federal State such as Canada, when the subject matter of a Convention or Recommendation is in part within provincial jurisdiction, the federal Government, in addition to bringing the instrument to the attention of the Parliament of Canada, must make appropriate arrangements for its reference to the provinces and arrange for periodical consultations to promote co-ordinated action to give effect to its provisions. The federal Government must also inform the Director-General of the ILO of the action taken and report, as requested, on the position of law and practice within the federal State.

As of June 1978, the ILO Conference had adopted 151 Conventions and 159 Recommendations.

It should be noted that over the years the ILO Conference has engaged in a continual process of revising Conventions and replacing them with new instruments more in line with present conditions in the area of labour affairs. For this and other reasons, a number of the 153 Conventions so far adopted can no longer be considered appropriate for ratification.

Canada has so far ratified 26 Conventions, most of which deal with seafarers or dockers and come within exclusive federal jurisdiction. In May 1978, Canada denounced its ratification of Convention 45 Underground Work (Women), 1935, which prohibits the employment of women in underground work in mines, since it contradicted the present legislation of several jurisdictions in this regard and was deemed to be in opposition to the principle of equality of opportunities and treatment of men and women workers.



In recent years the federal Department of Labour has been conducting studies of a number of Conventions adopted by the ILO in the past and considered to be of importance to Canada and the subject matter of which is a matter falling within both federal and provincial jurisdictions. The studies assess the degree of implementation of the Conventions in Canada and indicate the action that would be required at both federal and provincials levels to achieve the full conformity with their provisions in order for Canada to be in a position to ratify them. These studies are presented to the annual meetings of federal and provincial Deputy Ministers of Labour on ILO questions with an indication of any progress toward full compliance. Reports on the implementation in Canada of the new Conventions are presented to the annual meetings of Deputy Ministers of Labour immediately after their adoption by the ILO. Some of the studies concerning the Conventions considered of particular importance to Canada are published. In 1976, a two-volume publication entitled "Where Canada Stands" on the implementation of ILO Conventions on Occupational Safety and Health dealt with the implementation in Canada of six ILO Conventions on the subject of radiation protection, benzene poisoning, occupational cancer, guarding of machinery, maximum weight and hygiene (commerce and offices).

In 1978, the report "Canada and the International Labour Code" presented in summary form a description of the extent of conformity among federal and provincial jurisdictions with some 75 Conventions (adopted by the ILO up to 1977) which represented a potential target for ratification.

As the result of studies and close consultation with the provinces, Canada was able to ratify in 1972 two fundamental human rights Conventions, namely, Convention No. 87 - Freedom of Association and Protection of the Right to Organize, and Convention No. 100 - Equal Remuneration for Work of Equal Value. In the areas covered by other Conventions considered relevant to Canada, the studies and consultation to Canada, the studies and consultation have led to substantially greater compliance with international labour standards in the various Canadian jurisdictions and it is hoped eventually that Canada will be in a position to ratify more ILO conventions.

The present document sets forth the Canadian position with respect to Conventions and Recommendations adopted by the International Labour Conference at its 61st, 62nd (Maritime) 63rd and 64th Sessions in June 1976, October 1976, June 1977, and June 1978, namely:

- Convention 144      - concerning Tripartite Consultations to Promote the Implementation of International Labour Standards;
- Convention 145      - concerning Continuity of Employment of Seafarers;
- Convention 146      - concerning Annual Leave with Pay for Seafarers;
- Convention 147      - concerning Minimum Standards in Merchant Ships;

- Convention 148 - concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration;
- Convention 149 - concerning Employment and Conditions of Work and Life of Nursing Personnel;
- Convention 150 - concerning Labour Administration: Role, Functions and Organization;
- Convention 151 - concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service;
- Recommendation 152 - concerning Tripartite Consultations to Promote the Implementation of International Labour Standards and National Action relating to the Activities of the International Labour Organization;
- Recommendation 153 - concerning the Protection of Young Seafarers;
- Recommendation 154 - concerning Continuity of Employment of Seafarers;
- Recommendation 155 - concerning the Improvement of Standards in Merchant Ships;



Recommendation 156 - concerning the Protection of Workers  
against Occupational Hazards in the  
Working Environment due to Air Pollution,  
Noise and Vibration;

Recommendation 157 - concerning Employment and Conditions  
of Work and Life of Nursing Personnel;

Recommendation 158 - concerning Labour Administration:  
Role, Functions and Organization;

Recommendation 159 - concerning Procedures for Determining  
Conditions of Employment in the  
Public Service.

Where, in the opinion of the Minister of Justice, the subject  
matter of the above Conventions and Recommendations or certain parts  
thereof or matters involved fall partially within the provincial  
legislative jurisdiction, these instruments will be transmitted to the  
provinces (and territories) in accordance with Article 19 of the ILO  
Constitution for the enactment of legislation or for other action.

CONVENTIONS AND RECOMMENDATIONS ADOPTED AT THE 61ST SESSION  
OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA, JUNE 1976

At the 61st Session of the International Labour conference held in June 1976 in Geneva, the following Convention and Recommendation were adopted:

Convention 144 - concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976.

Recommendation 152 - concerning Tripartite Consultations to Promote the Implementation of International Labour Standards and National Action relating to the Activities of the International Labour Organization, 1976.

In the opinion of the Minister of Justice the matters contemplated by Convention 144 and Recommendation 152 fall within federal legislative jurisdiction. This, however, should not be taken as implying that a province could not establish some mechanism of consultation similar to that envisaged by these instruments, but legislation for the purpose would not be required.

### Tripartite Consultation

The Convention requires each member of the ILO which ratifies it to establish procedures which ensure effective consultations with respect to ILO related matters between representatives of the government, employers and workers.

The representatives of employers and workers shall be freely chosen by their most representative organizations. Employers and workers shall be represented on an equal footing.

The competent authority shall assume the responsibility for the administrative support of the procedures.

The consultative body shall deal with the following matters:

- government replies to ILO questionnaires and comments on the proposed texts of ILO instruments;
- proposals to be made to the competent authorities in submitting to them newly adopted ILO instruments;
- measures required to promote the implementation and ratification as appropriate of unratified Conventions and the implementation of Recommendations;
- questions arising out of reports on the situation of law and practice in Canada as regards the subject matter of ratified Conventions;
- proposals for the denunciation of ratified Conventions.

The competent authority shall issue an annual report on the working of the procedures if considered appropriate after consultation with the representative workers' and employers' organizations.

The Recommendation describes methods by which the Convention may be implemented.



### Canadian Situation

It is considered essential, for implementation of the Convention, for tripartite national machinery to be established by the federal jurisdiction for consultation on ILO matters with provision for participation by the provincial jurisdictions.

However, this does not preclude the establishment by the provinces of similar tripartite consultation mechanism on ILO matters. At present such tripartite provincial machinery exists only in Quebec.

This is not to say that such tripartite machinery must deal exclusively with ILO matters; the function could be allotted to a tripartite committee set up for broader purposes of discussion on labour matters.

Exchange of information between a national committee and committees set up in individual provinces could be developed. As regards the composition of a national committee, it is envisaged that the government component would comprise civil servants rather than ministers; the labour and employer members would be nominated by the Canadian Labour Congress, the Confederation of National Trade Unions and the employers' International Labour and Social Affairs Committee of the Canadian Manufacturers' Association.

The Committee would review the situation in Canada with respect to various ILO Conventions from a national perspective; it would discuss which ILO Conventions it would be desirable to implement in Canada and it would determine whether there was a sufficient degree of compliance with requirements of a Convention for it to recommend to the federal government that a Convention be ratified.

Before proceeding to set up the Committee, further consultation with the provinces would be required.

CONVENTIONS AND RECOMMENDATIONS ADOPTED AT THE 62nd (MARITIME)  
SESSION OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA,  
OCTOBER 1976

At the 62nd (Maritime) Session of the International Labour Conference held in Geneva in October, 1976, the following Conventions and Recommendations were adopted:

A. Convention 145 - concerning Continuity of Employment of Seafarers, 1976.

Recommendation 154 - concerning Continuity of Employment of Seafarers, 1976.

B. Convention 146 - concerning Annual Leave with Pay for Seafarers, 1976.

C. Convention 147 - concerning Minimum Standards in Merchant Ships, 1976.

Recommendation 155 - concerning the Improvement of Standards in Merchants Ships, 1976.

D. Recommendation 153 - concerning the Protection of Young Seafarers, 1976.

In the opinion of the Minister of Justice

- (1) the subject matter of Convention 145 is within exclusive federal jurisdiction, with the exception of Article 6 thereof, which is partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction;
- (2) the subject matter of Convention 147 is within exclusive federal legislative jurisdiction, with the exception of Articles 2(a)(ii), 2(b)(ii) and 2(e) thereof, which are partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction;
- (3) Recommendation 155 is partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction;
- (4) the subject matter of Recommendation 153 is within exclusive federal legislative jurisdiction. However, paragraphs 3(b), 8 and 10-20 involve matters partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction;
- (5) Convention 146 and Recommendation 154 are subject to exclusive federal legislative jurisdiction.

A. Continuity of Employment of Seafarers

Convention 145 and Recommendation 154

concerning continuity of  
Employment of Seafarers

The Convention and Recommendation aim at lessening the occasional nature of seafaring employment.



The Convention commits ratifying States to encouraging all concerned to provide continuous or regular employment for qualified seafarers, and to assure seafarers minimum periods of employment, a minimum income or a minimum monetary allowance. Measures to achieve these objectives are suggested, such as contracts with shipowners or the establishment of registers of seafarers available for employment.

The Recommendation provides for measures to enable the principles of the Convention to be put into effect. It provides for employers' and workers' organizations to take part in negotiations and decisions, it suggests criteria for establishing registers of seafarers, possible guarantees of employment and income and possible personnel planning techniques.

#### Canadian Situation

This Convention has not been ratified by Canada but the existence of registers of seafarers maintained by a number of maritime unions and Canada Manpower Centres as well as certain seafarer/shipowner contracts effectively satisfy the requirements of the Convention.

#### B. Annual Leave with Pay for Seafarers

##### Convention 146                      concerning Annual Leave with Pay for Seafarers

This Convention requires ratifying States to provide for a minimum period of 30 days paid leave for each year of service, or a proportionate amount of leave for a lesser period of service. It prohibits certain days, such as public holidays, from being counted as part of the minimum annual leave and provides for machinery to settle contentious points.

### Canadian Position

This Convention has not been ratified by Canada. The Canada Shipping Act does not require the granting of holidays with pay. The Canada Labour Code provides for a shorter period of leave than the Convention and it is believed desirable to deal with these matters in the Labour Code rather than the Shipping Act. Collective agreements normally provide for paid vacations but not all Canadian seafarers are organised.

It would be necessary to amend the provisions of the Canada Labour Code to implement the Convention.

### C. Minimum Standards in Merchant Ships

Convention 147                      concerning Minimum Standards in Merchant Ships  
and Recommendation 155 concerning the Improvement  
of Standards in Merchant Ships

The Convention commits ratifying States to enact laws on safety standards, social security measures and shipboard conditions of employment and accommodation (insofar as these are not set out in collective agreements or other equally binding form) which substantially meet the requirements of an appended list of other ILO Conventions or Articles of Conventions.

Ratifying States also undertake to exercise effective jurisdiction or control over ships registered in their territory in these matters and to ensure that facilities exist for the engagement of seafarers, and for the investigation of complaints arising therefrom, on ships registered in their territory and in respect of seafarers of their own nationality on ships registered in a foreign country.

Ratifying States also undertake to ensure that seafarers employed aboard their own ships are properly qualified or trained, to verify that their own ships comply with appropriate ILO Conventions and to hold official inquiries into serious casualties.

Ratification is restricted to those States which have ratified The Convention on Safety of Life at Sea 1960 or 1974 of the Intergovernment Maritime Consultative Organization, the Load Line Convention 1966 and the International Regulations for Preventing Collisions at sea, 1972.

The Recommendation suggests alternative means of ensuring compliance with the Convention's requirements, by laws and regulations or by provisions of collective bargaining agreements.

#### Canadian Position

The following are the Conventions comprised in the appended list of Conventions and Articles of Conventions referred to above. In each case a brief comment on the related Canadian position is made.

- 1) Minimum Age Conventions 1973 (No. 138), or  
Minimum Age (Sea) Convention (Revised) 1963 (No. 58), or  
Minimum Age (Sea) Convention 1920 (No. 7)

Canada has ratified Conventions 7 and 58, but not 138. In Convention 58, which revises no. 7, the minimum age for employment as a seafarer is fixed at 15 rather than the school-leaving age in the jurisdiction concerned as required by Convention 138, and which is often 16 in Canadian provinces.



- ii) Shipowner's Liability (Sick and injured seamen) Convention 1936 (No. 55), or  
Sickness Insurance (Sea) Convention 1936 (No. 56), or  
Medical Care and Sickness Benefits Convention, 1936 (No. 130)

In Convention No. 55, responsibility is placed, within certain limitations, on the shipowner for expenses attributable to sickness, injury and death of any seamen when they occur in a ship between engagement and discharge. The owners remain liable for wages, unless national social insurance schemes relieve them of this responsibility, for a period of not less than 16 weeks after the sickness or injury. While national schemes cover Canadian domiciled seafarers in Canadian ships, non-Canadians are not covered by legislation.

An amendment to the Canada Shipping Act, to place this responsibility on the owner, would be necessary in order to comply with the Convention.

Convention No. 56 requires seafarers to be insured under a compulsory sickness insurance scheme under which benefits must be payable for at least 26 weeks. The Unemployment Insurance Act provides for payment for up to 15 weeks. The Convention is not fully implemented in Canada.

Convention No. 130 requires medical care and sickness benefits for all employees. Canada more than implements the Convention as regards medical care which is provided in all jurisdictions by legislation implementing federal health insurance programs. However, certain requirements of the Convention relating to the payment of sickness benefit are not met by existing legislation. The Convention is not fully implemented in Canada.

iii) Medical Examination (Seafarers) Convention 1946 (No. 73)

This Convention requires any person engaged for employment in a vessel to produce a medical certificate attesting his fitness for the work for which he is to be employed at sea. It has been ratified by Canada.

iv) Prevention of Accidents (Seafarers) Convention 1970 (No. 134),  
(Articles 4 and 7)

Article 4, dealing with enactment of regulations and codes respecting prevention of accidents, is satisfied by existing instruments under the Canada Shipping Act.

Article 7, requires the appointment of accident prevention officers or committees aboard ship. While such responsibilities are by ordinary practice the masters', there is no legislation specifying this or requiring accident prevention committees. This is not a major obstacle as regulations could allocate such responsibility.

v) Accommodation of Crews Convention (Revised) 1949, (No. 72)

This Convention sets out standards respecting Crew Accommodations and deals with such features as space allowances, numbers per cabin, toilet and similar facilities, physical location of accommodation and certain construction details such as insulation and fire proof materials.

The Convention has not been ratified by Canada but it is believed that national Regulations and Recommendations establish a standard approximately equivalent to that of the Convention but have been made purposely more flexible in dealing with our situation. It is believed that substantial equivalence may be claimed.

vi) Food and Catering (Ships Crews) Convention, 1946 (No. 68)  
(Article 5)

This Convention has been ratified by Canada. It calls for the provision of suitable food and catering for crews of vessels.

vii) Officers' Competency Certificates Convention, 1936 (No. 53)  
(Articles 3 and 4)

The above noted Articles require all masters, chief engineers and watchkeeping officers to hold certificates of competency, on vessels of 200 g.r.t. or more, and for national laws to prescribe certain pre-requisites for obtaining such certificates.

This Convention has not been ratified by Canada because prior to the recent Ships' Deck Watch Regulations all watchkeeping deck officers were not required to hold certificates. Additionally, national laws governing certification of ship's engineer officers are based partly on tonnage and partly on the nominal horse power of the propulsion unit. This Convention has been effectively superseded by the recent IMCO Convention on Standards of Training, Certification and Watchkeeping of Seafarers.

viii) Seamen's Articles of Agreement Convention, 1926 (No. 22)

This Convention has been ratified by Canada. It calls for the signing of articles of agreement by both the shipowner and the seaman.

ix) Repatriation of Seamen Convention, 1926 (No. 23)

This Convention sets out the entitlements of a seaman to be repatriated, at the shipowners' expense, on completion of his employment, to his home country or the port at which he was engaged. Maintenance provisions are also made.

The Convention has not been ratified by Canada since in one particular instance, i.e., foreign seamen both engaged and discharged out of Canada, the Canada Shipping Act does not place repatriation responsibility on the owners. Full implementation of this Convention would thus require amendment of the Act in this regard.

x) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

This Convention requires the legislative recognition of the right of workers and employers to join organizations of their own choice and the right of such organizations to formulate their programmes without interference by public authorities. It has been ratified by Canada.

xi) Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

This Convention calls for adequate protection for workers against acts of anti-union discrimination in respect of their employment and adequate protection of workers' and employers' organizations against interference by each other or each other's members. It also requires the promotion of the full development and utilisation of machinery for voluntary negotiation between employers' and workers' organization to regulate terms and conditions of employment by means of collective agreements.

Although there is very considerable compliance with this convention throughout Canada, it has not yet been ratified since Canadian labour relations legislation in some jurisdictions does not cover all workers (such as agricultural and professional workers).



Summary of Canadian Position re Convention No. 147

As regards the groups of Conventions appended to the Convention, the following is the position.

Minimum Age Group: (Conventions 7, 58, 138)	Canada has ratified 2 out of 3 and is in compliance.
Sickness Group: (Conventions 55, 56, 130)	Amendment to law required.
Medical Examination: (Convention 73)	Ratified by Canada.
Prevention of Accidents: (Convention 134, Articles 4 and 7)	Regulations could be amended - no major obstacle to this.
Accommodation of Crews: (Convention 72)	Canada is in substantial compliance.
Food and Catering: (Convention 68, Article 5)	Ratified by Canada.
Officers' Competency Certificates (Convention 53, Articles 3 and 4)	Canada is in substantial compliance.
Articles of Agreement: (Convention 22)	Ratified by Canada.
Repatriation of Seamen: (Convention 23)	Amendment to law required.
Freedom of Association: (Convention 87)	Ratified by Canada.
Right to Organise: (Convention 98)	Canada is in substantial compliance as regards seafarers.

As can be seen from the above, for ratification purposes, amendment is required of the law implementing at least one of the "sickness" group of Conventions and to the law implementing the Repatriation of Seamen Convention.

The Canadian position with respect to the body of Convention 147 is that the Safety of Life at Sea Convention 1960, the Load Line Convention 1966 and International Regulations for Preventing Collisions at Sea, 1972, have been ratified. Mechanisms exist to ensure that seafarers in Canadian ships are properly qualified and trained, to verify compliance with ILO Conventions ratified by Canada in this field, to inquire into casualties, to control the engagement of seamen and to inquire into complaints in Canadian ships. No provisions exist in respect of ships registered outside Canada. The above noted amendments to the Canada Shipping Act and regulations, and amendment to certain social legislation would be required in order to obtain full compliance with Convention 147. Further consideration will be given to these matters.

D. Protection of Young Seafarers (Recommendation No. 153)

This Recommendation, which applies to persons under 18 years of age other than those pursuing approved training programmes, provides for effective protection and promotion of general welfare, hours of duty and rest periods, repatriation measures, restrictions as to certain heavy or dangerous tasks and opportunities for vocational guidance and advancement.

The Canada Shipping Act places restrictions on the shipboard employment of persons less than 18 years of age and requires evidence of their medical fitness. Otherwise the law treats them on the same basis as other crew members. In general, employment conditions within the industry would substantially comply with this Recommendation although detailed regulations as envisaged in the Recommendation have not been made.

CONVENTIONS AND RECOMMENDATIONS ADOPTED AT THE 63rd SESSION  
OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA, JUNE 1977

At the 63rd Session of the International Labour Conference held in June 1977 in Geneva, the following Conventions and Recommendations were adopted:

Convention 148 - concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration, 1977.

Recommendation 156 - concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration, 1977.

Convention 149 - concerning Employment and Conditions of Work and Life of Nursing Personnel, 1977.

Recommendation 157 - concerning Employment and Conditions of Work and Life of Nursing Personnel, 1977.

A. Working Environment (Air Pollution, Noise and Vibration)

The Convention calls for measures at the national level for the prevention and control of, and protection against, occupational hazards in the working environment - due to air pollution, noise and vibration. As far as possible the working environment should be kept free from any hazard due to these three factors.

This should be attempted by use of technical measures in the design or installation of plants and new processes. Similar measures could be added to existing plants or processes. If these are not possible, supplementary measures of work organization should be taken.

The Convention also calls for criteria for determining hazards of exposure to air pollution, noise and vibration and for the setting of limits to exposure on the basis of these criteria.

Where technical and organizational measures do not make it possible to keep the hazards within the required limits, protective measures should be taken such as provision by employers of personal protective equipment.

Use of processes, substances, machinery and equipment that involve exposure to occupational hazards should be notified to the competent authority, which may authorize the use in prescribed conditions, or prohibit it.

The Convention calls for as close a collaboration as possible at all levels between employers and workers in putting its measures into effect. It also stipulates that competent government authority shall act in consultation with the most representative organizations of employers and workers.



Employers are made responsible for compliance with the prescribed national measures. Workers are required to comply with safety procedures.

The Convention also calls for supervision at suitable intervals of the health of workers exposed or liable to be exposed to these three occupational hazards. This would include a pre-assignment medical examination and periodical examinations.

The Convention applies to all branches of economic activity, but ratifying countries may exclude particular branches after consultation with employers' and workers' organisations concerned. After such consultation, they may also accept the obligations separately in respect of each of the three hazard areas.

The Recommendation sets out the ways in which these principles should be put into practice.

#### Canadian Situation

The federal and provincial jurisdictions in Canada have adopted legislation protecting workers against occupational hazards in the working environment due to air pollution and noise. However, in some provincial jurisdictions, the specific limits of exposure of workers to these hazards have not been sufficiently determined. But protection from the effects of vibration is only based on dispositions of a general nature prohibiting any procedure in a workplace likely to jeopardize the health or safety of the workers whereas the Convention requires that limits of exposure be specified.

In all jurisdictions consultation with employers and workers takes place in the elaboration and application of the prescribed measures; though the degree of formalization of such consultation varies. The responsibility for compliance is placed upon the employer in all jurisdictions while workers are required to comply with safety procedures. The Convention's requirement that when technical and organizational measures fail to bring air pollution, noise and vibration within specified limits, the employer shall provide and maintain suitable personal protective equipment is implemented as regards air pollution and noise in the federal and provincial jurisdictions, but the requirement of pre-assignment and periodical medical examination of workers exposed to air pollution, noise and vibration is not fully implemented in any jurisdiction, though several jurisdictions make some provisions for medical examinations.

The competent authorities in the various Canadian jurisdictions have not prohibited the use without prior authorization of specified processes, substances, machinery and equipment involving occupational hazards arising out of air pollution, noise and vibration.

Further legislation would be required to fully implement the Convention in the federal jurisdiction. The instruments will be referred to the provincial governments and consultation will continue with them on the matter.

B. Nursing Personnel

The Convention calls for national policy, within general health programs, that is designed to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

In particular the Convention requires ratifying countries to take measures to provide nursing personnel with education and training appropriate to the exercise of their functions, and conditions of employment and work conditions, including career prospects and remuneration which are likely to attract persons to the profession and retain them in it.

The Convention further calls for measures for participation of nursing personnel in the planning of nursing services and for consultation with nurses on decisions concerning them. Conditions of employment and work preferably would be determined by negotiation between employers' and workers' organizations concerned.

The Convention calls for the settlement of disputes concerning terms and conditions of employment through negotiations between the parties or in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

The Convention requires that nursing personnel should in any case enjoy conditions at least equivalent to those of other workers in the country, in terms of hours of work, weekly rest, paid annual holidays, educational leave, maternity leave, sick leave and social security. The term nursing personnel includes all categories of persons providing nursing care and nursing services.

### Canadian Situation

Nurses in Canada receive their basic preparation through either approved diploma programs in hospital schools of nursing, colleges and schools administered by independent boards or through baccalaureate programs in universities.

Before being allowed to practice, nurses must have received their training and obtained their certificates from an approved school. In the provinces of Newfoundland, Prince Edward Island and Quebec and in the Northwest Territories nurses must hold a license and be registered as members of an association of nurses. In the other provinces and the Yukon Territory it is not mandatory to be registered or licensed. Provision is made, however, for voluntary registration and this is nearly always required by employers. As regards nursing assistants, legislation in Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia requires registration, certification or licensing by the provincial regulating authority. In Ontario provision is made for voluntary registration.

As regards conditions of employment laid down in the Convention, the requirement of comparability of nurses' conditions of work with those of "other workers" (Article 6) is somewhat vague.



The necessary machinery exists in all jurisdictions through the collective bargaining process for the settlement of disputes. This relates to the establishment of terms and conditions of employment of nurses through direct negotiations or through mediation, conciliation and voluntary arbitration.

The Recommendation makes detailed provisions for the implementation of the requirements of the Convention.

As the full significance of some of the provisions of the Convention becomes clearer it will be possible to determine whether the situation in the various jurisdictions fully implements the Convention. The Convention and Recommendation will be referred to the provincial governments.

CONVENTIONS AND RECOMMENDATIONS ADOPTED AT THE 64th SESSION  
OF THE INTERNATIONAL LABOUR CONFERENCE, GENEVA, JUNE 1978

At the 64th Session of the International Labour Conference held in June 1978 in Geneva, the following Conventions and Recommendations were adopted:

Convention 150 - concerning Labour Administration: Role, Functions and Organization, 1978.

Recommendation 158 - concerning Labour Administration: Role, Functions and Organization, 1978.

Convention 151 - concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service, 1978.

Recommendation 159 - concerning Procedures for Determining Conditions of Employment in the Public Service, 1978.

A. Labour Administration

The Convention prescribes the institutional machinery required to develop and apply a national labour policy, notably concerning labour legislation, employment, working and living conditions and industrial relations.

The standards adopted conceive of a labour policy emerging from consultation, co-operation and negotiation between government, employers and workers. The participation of public and semi-public agencies, bipartite and tripartite, in the definition and application of labour policy is called for.

In order to play its full role labour administration is required to have suitably qualified staff who have access to training and also have the status, material means, and financial resources required for the effective performance of their duties.

The Recommendation deals with the functions and organization of a national system of labour administration.

#### Canadian Situation

All Canadian jurisdictions comply with the basic provisions of the Convention. All jurisdictions have separate agencies for the preparation, formulation and implementation of "national" labour policy. Consultation and co-operation with labour and management representatives is entered into on a regular basis. The Convention calls also for "negotiation" with workers' and employers' representatives; the purport of the term in this context is not clear.

The degree of formalisation of consultation with employers and workers in the elaboration and application of labour policy varies in the Canadian jurisdictions. A greater degree of uniformity in this process may be required before Canada can ratify the Convention.

All Canadian jurisdictions confer some responsibilities in the labour field to agencies and maintain a degree of control over them. Whether this control would in general be such as to satisfy the Convention's call for "effective" control will be determined by the interpretation of the Convention given from time to time by the supervisory bodies of the ILO.

At a later date it will be possible to determine whether further legislation is required to fully implement the Convention. The Convention and the Recommendation will be referred to the provincial governments.

B. Public Service

The Convention provides for guarantees to public employees and their organizations of their rights to exercise civil and political liberties inherent in the concept of trade union freedoms.

The new standards apply to all persons employed by public authorities. National legislation may exclude from the application of the standards high-level employees whose functions are normally considered as policy-making or managerial, employees whose duties are of a highly confidential nature...the armed forces and the police.

The standards protect public employees against discriminatory measures based on their participation in union activities. Their unions should not be interfered with in any way by public authority.

Provision is made for full use of negotiation in determining conditions of employment between public authorities and public employees organizations. It also envisages other methods permitting public employees to participate in the determination of their conditions of employment. Settlement of disputes should be made either through negotiation or through independent and impartial machinery such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties.

The Convention accords to public employees the civil and political rights which are essential for the normal exercise of freedom of association.

The Recommendation contains provisions regarding recognition, procedures for negotiation or other methods of participation, and the determination of the facilities which should be afforded to union representatives.



### Canadian Situation

In all Canadian jurisdictions public employees enjoy the basic civil and political liberties within the industrial relations process. In general they are free to organize and associate without interference from public authorities and are protected from discrimination resulting from their participation in such activities.

There are certain requirements of the Convention which may not be fully met in some jurisdictions. Some Canadian legislation in the field of industrial relations applying to public employees excludes from its application groups of employees the inclusion of which might be required by the restrictive terms of the Convention in this matter.

Further, the procedures for the recognition of bargaining units for public employees in some jurisdictions may not comply with the Convention. For instance, in some jurisdictions the union representing public employees is designated by legislation, while in others it is recognized by a Minister.

Moreover, in most jurisdictions (federal and provincial) the scope of bargaining allowed to public employees' unions by collective bargaining legislation may be more restricted than is provided for by the Convention.

Further consideration will have to be given to the legislation regard to fully implement the Convention. Both the Convention and the Recommendation will be referred to the provincial governments.



## APPENDIX 1





Convention 144

CONVENTION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Tripartite Consultation (International Labour Standards) Convention, 1976:

*Article 1*

In this Convention the term "representative organisations" means the most representative organisations of employers and workers enjoying the right of freedom of association.

*Article 2*

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to operate procedures which ensure effective consultations, with respect to the matters concerning the activities of the International Labour Organisation set out in Article 5, paragraph 1, below, between representatives of the government, of employers and of workers.

2. The nature and form of the procedures provided for in paragraph 1 of this Article shall be determined in each country in accordance with national practice,



after consultation with the representative organisations, where such organisations exist and such procedures have not yet been established.

#### *Article 3*

1. The representatives of employers and workers for the purposes of the procedures provided for in this Convention shall be freely chosen by their representative organisations, where such organisations exist.

2. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken.

#### *Article 4*

1. The competent authority shall assume responsibility for the administrative support of the procedures provided for in this Convention.

2. Appropriate arrangements shall be made between the competent authority and the representative organisations, where such organisations exist, for the financing of any necessary training of participants in these procedures.

#### *Article 5*

1. The purpose of the procedures provided for in this Convention shall be consultations on—

- (a) government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;
- (c) the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (d) questions arising out of reports to be made to the International Labour Office under article 22 of the Constitution of the International Labour Organisation;
- (e) proposals for the denunciation of ratified Conventions.

2. In order to ensure adequate consideration of the matters referred to in paragraph 1 of this Article, consultations shall be undertaken at appropriate intervals fixed by agreement, but at least once a year.

#### *Article 6*

When this is considered appropriate after consultation with the representative organisations, where such organisations exist, the competent authority shall issue an annual report on the working of the procedures provided for in this Convention.

#### *Article 7*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 8*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 9*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 10*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 11*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 12*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 13*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—



- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 14*

The English and French versions of the text of this Convention are equally authoritative.

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## INTERNATIONAL LABOUR CONFERENCE

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### Recommendation 152

#### RECOMMENDATION CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOUR STANDARDS AND NATIONAL ACTION RELATING TO THE ACTIVITIES OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-first Session on 2 June 1976, and

Recalling the terms of existing international labour Conventions and Recommendations—in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, and the Consultation (Industrial and National Levels) Recommendation, 1960—which affirm the right of employers and workers to establish free and independent organisations and call for measures to promote effective consultation at the national level between public authorities and employers' and workers' organisations, as well as the provisions of numerous international labour Conventions and Recommendations which provide for the consultation of employers' and workers' organisations on measures to give effect thereto, and

Having considered the fourth item on the agenda of the session which is entitled "Establishment of tripartite machinery to promote the implementation of international labour standards", and having decided upon the adoption of certain proposals concerning tripartite consultations to promote the implementation of international labour standards and national action relating to the activities of the International Labour Organisation, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976:

1. In this Recommendation the term "representative organisations" means the most representative organisations of employers and workers enjoying the right of freedom of association.

2. (1) Each Member of the International Labour Organisation should operate procedures which ensure effective consultations with respect to matters concerning the activities of the International Labour Organisation, in accordance with Paragraphs 5 to 7 of this Recommendation, between representatives of the government, of employers and of workers.

(2) The nature and form of the procedures provided for in subparagraph (1) of this Paragraph should be determined in each country in accordance with national



practice, after consultation with the representative organisations where such procedures have not yet been established.

(3) For instance, consultations may be undertaken—

- (a) through a committee specifically constituted for questions concerning the activities of the International Labour Organisation;
- (b) through a body with general competence in the economic, social or labour field;
- (c) through a number of bodies with special responsibility for particular subject areas; or
- (d) through written communications, where those involved in the consultative procedures are agreed that such communications are appropriate and sufficient.

3. (1) The representatives of employers and workers for the purposes of the procedures provided for in this Recommendation should be freely chosen by their representative organisations.

(2) Employers and workers should be represented on an equal footing on any bodies through which consultations are undertaken.

(3) Measures should be taken, in co-operation with the employers' and workers' organisations concerned, to make available appropriate training to enable participants in the procedures to perform their functions effectively.

4. The competent authority should assume responsibility for the administrative support and financing of the procedures provided for in this Recommendation, including the financing of training programmes where necessary.

5. The purpose of the procedures provided for in this Recommendation should be consultations—

- (a) on government replies to questionnaires concerning items on the agenda of the International Labour Conference and government comments on proposed texts to be discussed by the Conference;
- (b) on the proposals to be made to the competent authority or authorities in connection with the submission of Conventions and Recommendations pursuant to article 19 of the Constitution of the International Labour Organisation;
- (c) subject to national practice, on the preparation and implementation of legislative or other measures to give effect to international labour Conventions and Recommendations, in particular to ratified Conventions (including measures for the implementation of provisions concerning the consultation or collaboration of employers' and workers' representatives);
- (d) on the re-examination at appropriate intervals of unratified Conventions and of Recommendations to which effect has not yet been given, to consider what measures might be taken to promote their implementation and ratification as appropriate;
- (e) on questions arising out of reports to be made to the International Labour Office under articles 19 and 22 of the Constitution of the International Labour Organisation;
- (f) on proposals for the denunciation of ratified Conventions.

6. The competent authority, after consultation with the representative organisations, should determine the extent to which these procedures should be used for the purpose of consultations on other matters of mutual concern, such as—

- (a) the preparation, implementation and evaluation of technical co-operation activities in which the International Labour Organisation participates;



- (b) the action to be taken in respect of resolutions and other conclusions adopted by the International Labour Conference, regional conferences, industrial committees and other meetings convened by the International Labour Organisation;
- (c) the promotion of a better knowledge of the activities of the International Labour Organisation as an element for use in economic and social policies and programmes.

7. In order to ensure adequate consideration of the matters referred to in the preceding Paragraphs, consultations should be undertaken at appropriate intervals fixed by agreement, but at least once a year.

8. Measures appropriate to national conditions and practice should be taken to ensure co-ordination between the procedures provided for in this Recommendation and the activities of national bodies dealing with analogous questions.

9. When this is considered appropriate after consultation with the representative organisations, the competent authority should issue an annual report on the working of the procedures provided for in this Recommendation.

# International Labour Conference Conférence internationale du Travail

## CONVENTION 145

CONVENTION CONCERNING CONTINUITY  
OF EMPLOYMENT OF SEAFARERS,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 28 OCTOBER 1976

## CONVENTION 145

CONVENTION CONCERNANT LA CONTINUITÉ  
DE L'EMPLOI DES GENS DE MER,  
ADOPTÉE PAR LA CONFÉRENCE À SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 28 OCTOBRE 1976

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :*  
*pour le Directeur général du Bureau international du Travail :*

CONVENTION CONCERNING CONTINUITY OF EMPLOYMENT OF SEAFARERS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-second Session on 13 October 1976, and

Having noted the terms of Part IV (Regularity of Employment and Income) of the Employment of Seafarers (Technical Developments) Recommendation, 1970, and

Having decided upon the adoption of certain proposals with regard to continuity of employment of seafarers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Continuity of Employment (Seafarers) Convention, 1976:

*Article 1*

1. This Convention applies to persons who are regularly available for work as seafarers and who depend on their work as such for their main annual income.

2. For the purpose of this Convention the term "seafarers" means persons defined as such by national law or practice or by collective agreement who are normally employed as crew members on board a sea-going ship other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected therewith or in whaling or in similar pursuits.

3. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.

4. The organisations of employers and workers concerned shall be consulted on or otherwise participate in the establishment and revision of definitions in pursuance of paragraphs 2 and 3 of this Article.

*Article 2*

1. In each member State which has a maritime industry it shall be national policy to encourage all concerned to provide continuous or regular employment for qualified seafarers in so far as this is practicable and, in so doing, to provide shipowners with a stable and competent workforce.

2. Every effort shall be made for seafarers to be assured minimum periods of employment, or either a minimum income or a monetary allowance, in a manner and to an extent depending on the economic and social situation of the country concerned.

*Article 3*

Measures to achieve the objectives set out in Article 2 of this Convention might include—

(a) contracts or agreements providing for continuous or regular employment with a shipping undertaking or an association of shipowners; or

- (b) arrangements for the regularisation of employment by means of the establishment and maintenance of registers or lists, by categories, of qualified seafarers.

#### *Article 4*

1. Where the continuity of employment of seafarers is assured solely by the establishment and maintenance of registers or lists, these shall include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement.

2. Seafarers on such a register or list shall have priority of engagement for seafaring.

3. Seafarers on such a register or list shall be required to be available for work in a manner to be determined by national law or practice or by collective agreement.

#### *Article 5*

1. To the extent that national laws or regulations permit, the strength of registers or lists of seafarers shall be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry.

2. When a reduction in the strength of such a register or list becomes necessary, all appropriate measures shall be taken to prevent or minimise detrimental effects on seafarers, account being taken of the economic and social situation of the country concerned.

#### *Article 6*

Each member State shall ensure that appropriate safety, health, welfare and vocational training provisions apply to seafarers.

#### *Article 7*

The provisions of this Convention shall, except in so far as they are otherwise made effective by means of collective agreements, arbitration awards, or in such other manner as may be consistent with national practice, be given effect by national laws or regulations.

#### *Article 8*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 9*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 10*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office



for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 11*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 12*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 13*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 14*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 10 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 15*

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976.

# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 153

RECOMMENDATION CONCERNING THE PROTECTION  
OF YOUNG SEAFARERS.  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 28 OCTOBER 1976

### RECOMMANDATION 153

RECOMMANDATION CONCERNANT LA PROTECTION  
DES JEUNES MARINS,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 28 OCTOBRE 1976

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :*  
*pour le Directeur général du Bureau international du Travail :*

## RECOMMENDATION CONCERNING THE PROTECTION OF YOUNG SEAFARERS

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-second Session on 13 October 1976, and

Having decided upon the adoption of certain proposals with regard to the protection of young seafarers, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-eighth day of October of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Protection of Young Seafarers Recommendation, 1976:

### I. METHODS OF IMPLEMENTATION

1. Effect may be given to this Recommendation through national laws or regulations, collective agreements, works rules, arbitration awards or court decisions, or in such other manner as may be appropriate under national conditions.

### II. DEFINITION AND SCOPE

2. (1) For the purpose of this Recommendation, the term "young seafarer" includes all young persons under 18 years of age employed in any capacity on board a sea-going ship other than—

- (a) a ship of war; and
- (b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits.

(2) National laws or regulations should determine, after consultation with the organisations of employers and workers concerned, when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(3) This Recommendation does not apply to young persons in school or training vessels or pursuing an educational programme carried out in accordance with conditions approved by the competent authority after consultation with the organisations of employers and workers concerned.

### III. OBJECTIVES

3. In each country in which ships in which young seafarers are employed are registered, provision should be made for—

- (a) the effective protection of such seafarers, including the safeguarding of their health, morals and safety, and the promotion of their general welfare;
- (b) vocational guidance, education and vocational training of such seafarers, in their interest as well as that of the efficiency of shipboard operations, in the interest of safety of life and of property at sea and in that of the creation of opportunities for the advancement of young seafarers within the sea-going profession.



#### IV. HOURS OF PERMITTED DUTY AND REST PERIODS

4. (1) At sea and in port the provisions set out in the following clauses should apply:

- (a) the normal working hours of young seafarers should not exceed eight hours per day and forty hours per week and the consistent working of overtime should be avoided whenever possible;
- (b) while sufficient time should be allowed for all meals, young seafarers should be assured of a break of at least one hour for the main meal of the day;
- (c) no young seafarer should work at night; for the purpose of this clause "night" means a period of at least nine consecutive hours between times before and after midnight to be prescribed by national laws or regulations or by collective agreements;
- (d) young seafarers should be allowed a 15-minute rest period as soon as possible following each two hours of continuous work.

(2) Exceptionally, the provisions of subparagraph (1) of this Paragraph need not be applied—

- (a) if they are impracticable for young seafarers in the deck, engine room and catering departments assigned to watchkeeping duties or working on a rostered shift-work system;
- (b) if the effective training of young seafarers in accordance with established programmes and schedules would be impaired; or
- (c) in cases of operational necessity.

Such exceptions should be recorded, with reasons, and signed by the captain.

5. The provisions of Paragraph 4 of this Recommendation do not exempt young seafarers from their general obligation to work under the master's direction during any emergency involving—

- (a) the safety of the crew, the passengers, the vessel or its cargo;
- (b) the safety of other vessels or of lives and cargoes on board such vessels.

#### V. REPATRIATION

6. (1) If, after a young seafarer has served in a vessel for at least four months during his first foreign-going voyage, it becomes apparent that he is unsuited to life at sea, he should be given the opportunity of being repatriated at no expense to himself from the first suitable port of call in which there are consular services of the country either of the flag of the ship or of the nationality of the young seafarer. Notification of any such repatriation, with the reasons therefor, should be given to the authority which issued the papers enabling the young seafarer to take up sea-going employment.

(2) After six months' service without leave in a foreign-going vessel which has not returned to the young seafarer's country of residence in that time, and will not so return in the subsequent three months of the voyage, a young seafarer should be entitled to be repatriated at no expense to himself to the place of original engagement in his country of residence for the purpose of taking any leave earned during the voyage.

#### VI. SAFETY IN WORK AND HEALTH EDUCATION

7. Regulations concerning safety and health of young seafarers should be adopted.

8. These regulations should refer to any general provisions on medical examinations before and during employment and on the prevention of accidents and the

protection of health in employment, which may be applicable to the work of seafarers; they should specify measures which will minimise occupational dangers to young seafarers in the course of their duties.

9. (1) Except where a young seafarer is recognised as fully qualified in a pertinent skill by a competent authority, the regulations should specify restrictions on young seafarers undertaking, without appropriate supervision and instruction, certain types of work presenting special risk of accident or of detrimental effect on their health or physical development, or requiring a particular degree of maturity, experience or skill.

(2) In determining the types of work to be restricted by the regulations, the competent authority might consider in particular work involving—

- (a) the lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or ground tackle;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) night-watchman duties;
- (i) servicing of electrical equipment;
- (j) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances, and ionising radiations;
- (k) the cleaning of catering machinery;
- (l) the handling or taking charge of ships' boats.

10. Practical measures should be taken by the competent authority or through the appropriate machinery to bring to the attention of young seafarers information concerning the prevention of accidents and the protection of their health in work on board ship, for instance by means of adequate instruction at sea training schools, by official accident-prevention publicity intended for young persons, in the forms indicated in Paragraph 8, subparagraph (2), of the Prevention of Accidents (Seafarers) Recommendation, 1970, and by ensuring the professional instruction and supervision of young seafarers in their work in ships.

11. Education and training of young seafarers both ashore and on board ship should include instruction appropriate to their needs in the matters referred to in Paragraph 12, clause (f), of the Vocational Training (Seafarers) Recommendation, 1970, and in Regulation 237 of the ILO Model Code of Safety Regulations for Industrial Establishments for the Guidance of Governments and Industry, as amended, as well as guidance on the detrimental effects on their health and well-being of the abuse of drugs and other potentially harmful substances, and of other harmful activities.

## VII. OPPORTUNITIES FOR VOCATIONAL GUIDANCE, EDUCATION AND VOCATIONAL TRAINING

12. The competent authority should, in the light of national conditions, give consideration to the application of the various policies and objectives outlined in Paragraphs 13 to 20 below.

13. Young persons should be provided with information concerning training and career opportunities and the conditions of entry into the shipping industry, in accordance with Paragraph 7 of the Vocational Training (Seafarers) Recommendation, 1970, as well as regarding shipboard employment and conditions of work, general aspects of collective agreements and seafarers' rights and obligations under maritime labour legislation.

14. Measures should be taken to give young seafarers education, vocational guidance and vocational training in conformity with the objectives specified in Paragraph 2 of the Vocational Training (Seafarers) Recommendation, 1970.

15. (1) Initial and further training for occupations in the shipping industry should be broad and comprehensive and should be combined, as appropriate, with further general education.

(2) Such training should combine theoretical instruction with a systematic programme of practical experience designed to prepare for a career within the shipping industry.

(3) Training standards for the sea-going profession should, whenever possible, be co-ordinated with those applying to occupations ashore so that trainees may acquire nationally recognised qualifications acceptable in both the shipping industry and in other branches of economic activity.

16. Young seafarers should be assisted in receiving education and training for shipboard employment, and subsequently in continuing their general and vocational education, through the various means of financial support specified in Paragraph 10, subparagraphs (1) to (5), of the Vocational Training (Seafarers) Recommendation, 1970.

17. The general education and vocational training specified in Paragraph 12, clause (g), and Paragraph 15 respectively of the Vocational Training (Seafarers) Recommendation, 1970, should be available for all young persons who have no experience of a sea-going ship.

18. Young seafarers should be provided with opportunities for continuing their vocational education and training while on board ship as a means of enabling them to acquire the knowledge and experience essential for the efficient performance of their duties, to qualify for promotion and to pursue their general and technical education. In this regard, ships' masters and officers should encourage and assist young seafarers in applying and fully developing the skills and knowledge gained in induction training, in obtaining appropriate practical experience on board and in pursuing self-study courses at sea.

19. In addition to the training methods referred to in Paragraphs 20 to 25 of the Vocational Training (Seafarers) Recommendation, 1970, young seafarers should have opportunities of—

(a) continuing their training on board ship by such means as shipboard training, correspondence courses and the provision of programmed instruction and other self-study material in general and nautical subjects designed for the needs of young seafarers in qualifying for promotion;

(b) pursuing, on board ship, studies to recognised standards in other fields.

20. Where practicable and possible, training facilities provided for young seafarers on board ship should include accommodation suitable for study purposes, a ship's library, and appropriate training equipment for self-study; young seafarers on board ship should receive special help in their studies, if possible by itinerant instructors embarking periodically.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976.





# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 154

RECOMMENDATION CONCERNING CONTINUITY  
OF EMPLOYMENT OF SEAFARERS,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 28 OCTOBER 1976

### RECOMMANDATION 154

RECOMMANDATION CONCERNANT LA CONTINUITÉ  
DE L'EMPLOI DES GENS DE MER,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 28 OCTOBRE 1976



The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office*  
*pour le Directeur général du Bureau international du Travail*

RECOMMENDATION CONCERNING CONTINUITY OF EMPLOYMENT  
OF SEAFARERS

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office and having met in its Sixty-second Session on 13 October 1976,  
and  
Having noted the terms of the Employment of Seafarers (Technical Developments)  
Recommendation, 1970, and  
Having decided upon the adoption of certain proposals with regard to continuity  
of employment of seafarers, which is the fourth item on the agenda of the  
session, and  
Having determined that these proposals shall take the form of a Recommendation  
supplementing the Continuity of Employment (Seafarers) Convention, 1976,

adopts this twenty-eighth day of October of the year one thousand nine hundred and  
seventy-six the following Recommendation, which may be cited as the Continuity  
of Employment (Seafarers) Recommendation, 1976:

1. (1) Subject to the provisions of Paragraph 11, this Recommendation applies to  
persons who are regularly available for work as seafarers and who depend on their  
work as such for their main annual income.

(2) For the purpose of this Recommendation the term "seafarers" means per-  
sons defined as such by national law or practice or by collective agreement who are  
normally employed as crew members on board a sea-going ship other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected therewith or in  
whaling or in similar pursuits.

(3) National laws or regulations should determine when ships are to be regarded  
as sea-going ships for the purpose of this Recommendation.

(4) The organisations of employers and workers concerned should be consulted  
on or otherwise participate in the establishment and revision of definitions in pur-  
suance of subparagraphs (2) and (3) of this Paragraph.

2. In so far as practicable, continuous or regular employment should be provided  
for all qualified seafarers.

3. (1) Except where continuous or regular employment with a particular ship-  
owner exists, systems of allocation should be agreed upon which reduce to a minimum  
the necessity for attending calls for selection and allocation to a job and the time  
required for this purpose.

(2) In so far as practicable, these systems should preserve the right of a seafarer  
to select the vessel on which he is to be employed and the right of the shipowner to  
select the seafarer whom he is to engage.

4. Subject to conditions to be prescribed by national laws or regulations, or col-  
lective agreements, the transfer of seafarers in the regular employment of one em-  
ployer to temporary work with another should be permitted when required.

5. (1) Where continuous or regular employment is not practicable, guarantees of  
employment and/or income should be provided in a manner and to an extent depend-  
ing on the economic and social situation of the country concerned.

- (2) These guarantees might include the following:
- (a) employment for an agreed number of weeks or months per year, or income in lieu thereof;
  - (b) unemployment benefit when no work is available.

6. (1) Where the measures to obtain regular employment for seafarers provide for the establishment and maintenance of registers or lists of qualified seafarers, criteria should be laid down for determining the seafarers to be included in such registers or lists.

- (2) Such criteria might include the following:
- (a) residence in the country concerned;
  - (b) age and medical fitness;
  - (c) competence and skill;
  - (d) previous service at sea.

7. When the strength of such registers or lists is reviewed by the parties concerned, account should be taken of all relevant factors, including the long-term factors such as the modernisation of the maritime industry and changing trends in trade.

8. If reduction in the over-all strength of such a register or list becomes unavoidable, all necessary efforts should be made to help seafarers to find employment elsewhere through the provision of retraining facilities, as provided for in Part III of the Employment of Seafarers (Technical Developments) Recommendation, 1970, and the assistance of the public employment services.

9. (1) In so far as practicable, any necessary reduction in the strength of such a register or list should be made gradually and without recourse to termination of employment. In this respect, experience with personnel planning techniques at the level of the undertaking and at industry level can be usefully applied to the maritime industry.

- (2) In determining the extent of the reduction, regard should be had to such means as—
- (a) natural wastage;
  - (b) cessation of recruitment;
  - (c) exclusion of men who do not derive their main means of livelihood from seafaring work;
  - (d) reducing the retirement age or facilitating voluntary early retirement by the grant of pensions, supplements to state pensions, or lump-sum payments.

10. Termination of employment should be envisaged only after due regard has been had to the means referred to in subparagraph (2) of Paragraph 9 and subject to whatever guarantees of employment may have been given. It should be based as far as possible on agreed criteria, should be subject to adequate notice, and should be accompanied by payments such as—

- (a) unemployment insurance or other forms of social security;
- (b) severance allowance or other types of separation benefits;
- (c) such combination of benefits as may be provided for by national laws or regulations, or collective agreements.

11. Appropriate provisions of this Recommendation should, as far as practicable and in accordance with national laws and practice and collective agreements, also be applied to persons who work as seafarers on a seasonal basis.



The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976.

# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 146

CONVENTION CONCERNING ANNUAL LEAVE  
WITH PAY FOR SEAFARERS,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 29 OCTOBER 1976

### CONVENTION 146

CONVENTION CONCERNANT LES CONGÉS  
PAYÉS ANNUELS DES GENS DE MER,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 29 OCTOBRE 1976

CONVENTION CONCERNING ANNUAL LEAVE WITH PAY FOR SEAFARERS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-second Session on 13 October 1976, and

Having decided upon the adoption of certain proposals with regard to revision of the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), in the light of, but not necessarily restricted to, the Holidays with Pay Convention (Revised), 1970 (No. 132), which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Seafarers' Annual Leave with Pay Convention, 1976:

*Article 1*

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards, court decisions, statutory wage-fixing machinery, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

*Article 2*

1. This Convention applies to all persons who are employed as seafarers.

2. For the purpose of this Convention, the term "seafarer" means a person who is employed in any capacity on board a sea-going ship registered in a territory for which the Convention is in force, other than—

(a) a ship of war;

(b) a ship engaged in fishing or in operations directly connected therewith or in whaling or similar pursuits.

3. National laws or regulations shall determine, after consultation with the organisations of shipowners and seafarers concerned, where such exist, which ships are to be regarded as sea-going ships for the purpose of this Convention.

4. Each Member which ratifies this Convention may, after consultation with the organisations of employers and workers concerned, where such exist, extend its application, with the modifications rendered necessary by the conditions of the industry, to the persons excluded from the definition of seafarers by paragraph 2, subparagraph (b), of this Article, or to certain categories thereof.

5. Each Member which extends the application of this Convention in pursuance of paragraph 4 of this Article at the time of ratifying it shall specify in a declaration appended to its ratification the categories to which the application is extended and the modifications, if any, rendered necessary.

6. Each Member which has ratified this Convention may further subsequently notify the Director-General of the International Labour Office, by a declaration, that it extends the application of the Convention to categories beyond those, if any, specified at the time of ratification.

7. In so far as necessary, measures may be taken by the competent authority or through the appropriate machinery in a country, after consultation with the organisations of shipowners and seafarers concerned, where such exist, to exclude from the application of this Convention limited categories of persons employed on board sea-going ships.

8. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation, any categories which may have been excluded in pursuance of paragraphs 3 and 7 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

### *Article 3*

1. Every seafarer to whom this Convention applies shall be entitled to annual leave with pay of a specified minimum length.

2. Each Member which ratifies this Convention shall specify the length of the annual leave in a declaration appended to its ratification.

3. The leave shall in no case be less than 30 calendar days for one year of service.

4. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies annual leave longer than that specified at the time of ratification.

### *Article 4*

1. A seafarer whose length of service in any year is less than that required for the full entitlement prescribed in the preceding Article shall be entitled in respect of that year to annual leave with pay proportionate to his length of service during that year.

2. The expression "year" in this Convention shall mean the calendar year or any other period of the same length.

### *Article 5*

1. The manner in which the length of service is calculated for the purpose of leave entitlement shall be determined by the competent authority or through the appropriate machinery in each country.

2. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, service off articles shall be counted as part of the period of service.

3. Under conditions to be determined by the competent authority or through the appropriate machinery in each country, absence from work to attend an approved maritime vocational training course or for such reasons beyond the control of the seafarer concerned as illness, injury or maternity shall be counted as part of the period of service.

### *Article 6*

The following shall not be counted as part of the minimum annual leave with pay prescribed in Article 3, paragraph 3, of this Convention:

(a) public and customary holidays recognised as such in the country of the flag, whether or not they fall during the annual leave with pay;

- (b) periods of incapacity for work resulting from illness, injury or maternity, under conditions to be determined by the competent authority or through the appropriate machinery in each country;
- (c) temporary shore leave granted to a seafarer while on articles;
- (d) compensatory leave of any kind, under conditions to be determined by the competent authority or through the appropriate machinery in each country.

#### *Article 7*

1. Every seafarer taking the annual leave envisaged in this Convention shall receive in respect of the full period of that leave at least his normal remuneration (including the cash equivalent of any part of that remuneration which is paid in kind), calculated in a manner to be determined by the competent authority or through the appropriate machinery in each country.

2. The amounts due in pursuance of paragraph 1 of this Article shall be paid to the seafarer concerned in advance of the leave, unless otherwise provided by national laws or regulations or in an agreement applicable to him and the employer.

3. A seafarer who leaves or is discharged from the service of his employer before he has taken annual leave due to him shall receive in respect of such leave due to him the remuneration provided for in paragraph 1 of this Article.

#### *Article 8*

1. The division of the annual leave with pay into parts, or the accumulation of such annual leave due in respect of one year together with a subsequent period of leave, may be authorised by the competent authority or through the appropriate machinery in each country.

2. Subject to paragraph 1 of this Article and unless otherwise provided in an agreement applicable to the employer and the seafarer concerned, the annual leave with pay prescribed by this Convention shall consist of an uninterrupted period.

#### *Article 9*

In exceptional cases, provision may be made by the competent authority or through the appropriate machinery in each country for the substitution for annual leave due in virtue of this Convention of a cash payment at least equivalent to the remuneration provided for in Article 7.

#### *Article 10*

1. The time at which the leave is to be taken shall, unless it is fixed by regulation, collective agreement, arbitration award or other means consistent with national practice, be determined by the employer after consultation and, as far as possible, in agreement with the seafarer concerned or his representatives.

2. No seafarer shall be required without his consent to take annual leave due to him at a place other than that where he was engaged or recruited, whichever is nearer his home, except under the provisions of a collective agreement or of national laws or regulations.

3. If a seafarer is required to take his annual leave from a place other than that permitted by paragraph 2 of this Article, he shall be entitled to free transportation to the place where he was engaged or recruited, whichever is nearer his home, and subsistence and other costs directly involved in his return there shall be for the account of the employer; the travel time involved shall not be deducted from the annual leave with pay due to the seafarer.



#### *Article 11*

Any agreement to relinquish the right to the minimum annual leave with pay prescribed in Article 3, paragraph 3, or—except as provided, exceptionally, in pursuance of Article 9 of this Convention—to forgo such leave, shall be null and void.

#### *Article 12*

A seafarer taking annual leave shall be recalled only in cases of extreme emergency, with due notice.

#### *Article 13*

Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper application and enforcement of regulations or provisions concerning annual leave with pay, by means of adequate inspection or otherwise.

#### *Article 14*

This Convention revises the Paid Vacations (Seafarers) Convention (Revised), 1949.

#### *Article 15*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 16*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 17*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 18*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 20

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 22

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office*  
*pour le Directeur général du Bureau international du Travail*



# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 147

CONVENTION CONCERNING MINIMUM  
STANDARDS IN MERCHANT SHIPS,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 29 OCTOBER 1976

### CONVENTION 147

CONVENTION CONCERNANT LES NORMES  
MINIMA A OBSERVER SUR LES NAVIRES MARCHANDS,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 29 OCTOBRE 1976





## CONVENTION CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-second Session on 13 October 1976, and

Recalling the provisions of the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958, and of the Social Conditions and Safety (Seafarers) Recommendation, 1958, and

Having decided upon the adoption of certain proposals with regard to substandard vessels, particularly those registered under flags of convenience, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-ninth day of October of the year one thousand nine hundred and seventy-six the following Convention, which may be cited as the Merchant Shipping (Minimum Standards) Convention, 1976:

### *Article 1*

1. Except as otherwise provided in this Article, this Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.

2. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention.

3. This Convention applies to sea-going tugs.

4. This Convention does not apply to—

- (a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;
- (b) ships engaged in fishing or in whaling or in similar pursuits;
- (c) small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation; the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organisations of shipowners and seafarers.

5. Nothing in this Convention shall be deemed to extend the scope of the Conventions referred to in the Appendix to this Convention or of the provisions contained therein.

### *Article 2*

Each Member which ratifies this Convention undertakes—

- (a) to have laws or regulations laying down, for ships registered in its territory—
  - (i) safety standards, including standards of competency, hours of work and manning, so as to ensure the safety of life on board ship;
  - (ii) appropriate social security measures; and

- (iii) shipboard conditions of employment and shipboard living arrangements, in so far as these, in the opinion of the Member, are not covered by collective agreements or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;  
and to satisfy itself that the provisions of such laws and regulations are substantially equivalent to the Conventions or Articles of Conventions referred to in the Appendix to this Convention, in so far as the Member is not otherwise bound to give effect to the Conventions in question;
- (b) to exercise effective jurisdiction or control over ships which are registered in its territory in respect of—
  - (i) safety standards, including standards of competency, hours of work and manning, prescribed by national laws or regulations;
  - (ii) social security measures prescribed by national laws or regulations;
  - (iii) shipboard conditions of employment and shipboard living arrangements prescribed by national laws or regulations, or laid down by competent courts in a manner equally binding on the shipowners and seafarers concerned;
- (c) to satisfy itself that measures for the effective control of other shipboard conditions of employment and living arrangements, where it has no effective jurisdiction, are agreed between shipowners or their organisations and seafarers' organisations constituted in accordance with the substantive provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949;
- (d) to ensure that—
  - (i) adequate procedures—subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate—exist for the engagement of seafarers on ships registered in its territory and for the investigation of complaints arising in that connection;
  - (ii) adequate procedures—subject to over-all supervision by the competent authority, after tripartite consultation amongst that authority and the representative organisations of shipowners and seafarers where appropriate—exist for the investigation of any complaint made in connection with and, if possible, at the time of the engagement in its territory of seafarers of its own nationality on ships registered in a foreign country, and that such complaint as well as any complaint made in connection with and, if possible, at the time of the engagement in its territory of foreign seafarers on ships registered in a foreign country, is promptly reported by its competent authority to the competent authority of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office;
- (e) to ensure that seafarers employed on ships registered in its territory are properly qualified or trained for the duties for which they are engaged, due regard being had to the Vocational Training (Seafarers) Recommendation, 1970;
- (f) to verify by inspection or other appropriate means that ships registered in its territory comply with applicable international labour Conventions in force which it has ratified, with the laws and regulations required by subparagraph (a) of this Article and, as may be appropriate under national law, with applicable collective agreements;
- (g) to hold an official inquiry into any serious marine casualty involving ships registered in its territory, particularly those involving injury and/or loss of life, the final report of such inquiry normally to be made public.

### *Article 3*

Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken by the ratifying State to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

### *Article 4*

1. If a Member which has ratified this Convention and in whose port a ship calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the ship does not conform to the standards of this Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

2. In taking such measures, the Member shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag State and shall, if possible, have such representative present. It shall not unreasonably detain or delay the ship.

3. For the purpose of this Article, "complaint" means information submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew.

### *Article 5*

1. This Convention is open to the ratification of Members which—

- (a) are parties to the International Convention for the Safety of Life at Sea, 1960, or the International Convention for the Safety of Life at Sea, 1974, or any Convention subsequently revising these Conventions; and
- (b) are parties to the International Convention on Load Lines, 1966, or any Convention subsequently revising that Convention; and
- (c) are parties to, or have implemented the provisions of, the Regulations for Preventing Collisions at Sea of 1960, or the Convention on the International Regulations for Preventing Collisions at Sea, 1972, or any Convention subsequently revising these international instruments.

2. This Convention is further open to the ratification of any Member which, on ratification, undertakes to fulfil the requirements to which ratification is made subject by paragraph 1 of this Article and which are not yet satisfied.

3. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### *Article 6*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which there have been registered ratifications by at least ten Members with a total share in world shipping gross tonnage of 25 per cent.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### Article 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 8

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When the conditions provided for in Article 6, paragraph 2, above have been fulfilled, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### Article 9

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### Article 10

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 12

The English and French versions of the text of this Convention are equally authoritative.

#### APPENDIX

Minimum Age Convention, 1973 (No. 138), or  
Minimum Age (Sea) Convention (Revised), 1936 (No. 58), or  
Minimum Age (Sea) Convention, 1920 (No. 7);



Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55), or  
Sickness Insurance (Sea) Convention, 1936 (No. 56), or  
Medical Care and Sickness Benefits Convention, 1969 (No. 130);  
Medical Examination (Seafarers) Convention, 1946 (No. 73);  
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);  
Accommodation of Crews Convention (Revised), 1949 (No. 92);  
Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);  
  
Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4)<sup>1</sup>;  
Seamen's Articles of Agreement Convention, 1926 (No. 22);  
Repatriation of Seamen Convention, 1926 (No. 23);  
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);  
Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976. \*

<sup>1</sup> In cases where the established licensing system or certification structure of a State would be prejudiced by problems arising from strict adherence to the relevant standards of the Officers' Competency Certificates Convention, 1936, the principle of substantial equivalence shall be applied so that there will be no conflict with that State's established arrangements for certification.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office:*  
*pour le Directeur général du Bureau international du Travail:*



# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 155

RECOMMENDATION CONCERNING THE IMPROVEMENT  
OF STANDARDS IN MERCHANT SHIPS,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-SECOND SESSION,  
GENEVA, 29 OCTOBER 1976

### RECOMMANDATION 155

RECOMMANDATION CONCERNANT L'AMÉLIORATION  
DES NORMES SUR LES NAVIRES MARCHANDS,  
ADOPTÉE PAR LA CONFÉRENCE À SA SOIXANTE-DEUXIÈME SESSION,  
GENÈVE, 29 OCTOBRE 1976

**RECOMMENDATION CONCERNING THE IMPROVEMENT OF STANDARDS IN MERCHANT SHIPS**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Sixty-second Session on 13 October 1976, and

Having decided upon the adoption of certain proposals with regard to sub-standard vessels, particularly those registered under flags of convenience, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Merchant Shipping (Minimum Standards) Convention, 1976,

adopts this twenty-ninth day of October of the year one thousand nine hundred and seventy-six the following Recommendation, which may be cited as the Merchant Shipping (Improvement of Standards) Recommendation, 1976:

1. (1) Except as otherwise provided in this Paragraph, this Recommendation applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose.

(2) National laws or regulations should determine when ships are to be regarded as sea-going ships for the purpose of this Recommendation.

(3) This Recommendation applies to sea-going tugs.

(4) This Recommendation does not apply to

(a) ships primarily propelled by sail, whether or not they are fitted with auxiliary engines;

(b) ships engaged in fishing or in whaling or in similar pursuits;

(c) small vessels and vessels such as oil-rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this clause to be taken by the competent authority in each country in consultation with the most representative organisations of shipowners and seafarers.

(5) Nothing in this Recommendation should be deemed to extend the scope of the instruments referred to in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976, or in the Appendix to this Recommendation.

2. Members should---

(a) ensure that the provisions of the laws and regulations provided for in Article 2, subparagraph (a), of the Merchant Shipping (Minimum Standards) Convention, 1976, and

(b) satisfy themselves that such provisions of collective agreements as deal with shipboard conditions of employment and shipboard living arrangements,

are at least equivalent to the Conventions or Articles of Conventions referred to in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976.

3. In addition, steps should be taken, by stages if necessary, with a view to such laws or regulations, or as appropriate collective agreements, containing provisions at least equivalent to the provisions of the instruments referred to in the Appendix to this Recommendation.

4. (1) Pending steps for such revision of the Merchant Shipping (Minimum Standards) Convention, 1976, as may become necessary in the light of changes in the circumstances and needs of merchant shipping, cognisance should be taken in the application of that Convention, after consultation with the most representative organisations of shipowners and seafarers, of any revision of individual Conventions referred to in the Appendix thereto that has come into force.

(2) Cognisance should be taken in the application of this Recommendation, after consultation with the most representative organisations of shipowners and seafarers, of any revision of individual Conventions referred to in the Appendix thereto that has come into force and of any revision of other instruments therein referred to that has been adopted.

#### APPENDIX

Officers' Competency Certificates Convention, 1936 (No. 53);  
Food and Catering (Ships' Crews) Convention, 1946 (No. 68);  
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);  
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134);  
Workers' Representatives Convention, 1971 (No. 135);  
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91); or  
Seafarers' Annual Leave Convention, 1976 (No. 146);  
Social Security (Seafarers) Convention, 1946 (No. 70);  
Vocational Training (Seafarers) Recommendation, 1970 (No. 137);  
IMCO/ILO Document for Guidance, 1975.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-second Session which was held at Geneva and declared closed the twenty-ninth day of October 1976.

IN FAITH WHEREOF we have appended our signatures this eleventh day of November 1976.



# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 148

CONVENTION CONCERNING THE PROTECTION  
OF WORKERS AGAINST OCCUPATIONAL HAZARDS IN  
THE WORKING ENVIRONMENT DUE TO AIR POLLUTION,  
NOISE AND VIBRATION,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-THIRD SESSION,  
GENEVA, 20 JUNE 1977

### CONVENTION 148

CONVENTION CONCERNANT LA PROTECTION DES  
TRAVAILLEURS CONTRE LES RISQUES PROFESSIONNELS  
DUS A LA POLLUTION DE L'AIR, AU BRUIT ET  
AUX VIBRATIONS SUR LES LIEUX DE TRAVAIL,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-TROISIÈME SESSION,  
GENÈVE, 20 JUIN 1977





The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office*  
*pour le Directeur général du Bureau international du Travail*

CONVENTION CONCERNING THE PROTECTION OF WORKERS AGAINST  
OCCUPATIONAL HAZARDS IN THE WORKING ENVIRONMENT DUE  
TO AIR POLLUTION, NOISE AND VIBRATION

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven the following Convention, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977:

PART I. SCOPE AND DEFINITIONS

*Article 1*

1. This Convention applies to all branches of economic activity.

2. A Member ratifying this Convention may, after consultation with the representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention particular branches of economic activity in respect of which special problems of a substantial nature arise.

3. Each Member which ratifies this Convention shall list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the branches excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such branches.

*Article 2*

1. Each Member, after consultation with the representative organisations of employers and workers, where such exist, may accept the obligations of this Convention separately in respect of—

- (a) air pollution;
- (b) noise; and
- (c) vibration.

2. A Member which does not accept the obligations of the Convention in respect of one or more of the categories of hazards shall specify this in its ratification and shall give reasons in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation; it shall state in subsequent reports the position of its law and practice in respect of the category or categories of hazards excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of each such category of hazards.

3. Each Member which has not on ratification accepted the obligations of this Convention in respect of all the categories of hazards shall subsequently, when it is satisfied that conditions permit this, notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of a category or categories previously excluded.

### *Article 3*

For the purpose of this Convention—

- (a) the term “air pollution” covers all air contaminated by substances, whatever their physical state, which are harmful to health or otherwise dangerous;
- (b) the term “noise” covers all sound which can result in hearing impairment or be harmful to health or otherwise dangerous;
- (c) the term “vibration” covers any vibration which is transmitted to the human body through solid structures and is harmful to health or otherwise dangerous.

## PART II. GENERAL PROVISIONS

### *Article 4*

1. National laws or regulations shall prescribe that measures be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

2. Provisions concerning the practical implementation of the measures so prescribed may be adopted through technical standards, codes of practice and other appropriate methods.

### *Article 5*

1. In giving effect to the provisions of this Convention, the competent authority shall act in consultation with the most representative organisations of employers and workers concerned.

2. Representatives of employers and workers shall be associated with the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of Article 4.

3. Provision shall be made for as close a collaboration as possible at all levels between employers and workers in the application of the measures prescribed in pursuance of this Convention.

4. Representatives of the employer and representatives of the workers of the undertaking shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

## *Article 6*

1. Employers shall be made responsible for compliance with the prescribed measures.

2. Whenever two or more employers undertake activities simultaneously at one workplace, they shall have the duty to collaborate in order to comply with the prescribed measures, without prejudice to the responsibility of each employer for the health and safety of his employees. In appropriate circumstances, the competent authority shall prescribe general procedures for this collaboration.

## *Article 7*

1. Workers shall be required to comply with safety procedures relating to the prevention and control of, and protection against, occupational hazards due to air pollution, noise and vibration in the working environment.

2. Workers or their representatives shall have the right to present proposals, to obtain information and training and to appeal to appropriate bodies so as to ensure protection against occupational hazards due to air pollution, noise and vibration in the working environment.

## PART III. PREVENTIVE AND PROTECTIVE MEASURES

### *Article 8*

1. The competent authority shall establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, shall specify exposure limits on the basis of these criteria.

2. In the elaboration of the criteria and the determination of the exposure limits the competent authority shall take into account the opinion of technically competent persons designated by the most representative organisations of employers and workers concerned.

3. The criteria and exposure limits shall be established, supplemented and revised regularly in the light of current national and international knowledge and data, taking into account as far as possible any increase in occupational hazards resulting from simultaneous exposure to several harmful factors at the workplace.

### *Article 9*

As far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration—

(a) by technical measures applied to new plant or processes in design or installation, or added to existing plant or processes; or, where this is not possible,

(b) by supplementary organisational measures.

### *Article 10*

Where the measures taken in pursuance of Article 9 do not bring air pollution, noise and vibration in the working environment within the limits specified in pursuance of Article 8, the employer shall provide and maintain suitable personal protective equipment. The employer shall not require a worker to work without the personal protective equipment provided in pursuance of this Article.

### *Article 11*

1. There shall be supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise or vibration in the working environment. Such supervision shall include a pre-assignment medical examination and periodical examinations, as determined by the competent authority.

2. The supervision provided for in paragraph 1 of this Article shall be free of cost to the worker concerned.

3. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort shall be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment or to maintain his income through social security measures or otherwise.

4. In implementing this Convention, the rights of workers under social security or social insurance legislation shall not be adversely affected.

### *Article 12*

The use of processes, substances, machinery and equipment, to be specified by the competent authority, which involve exposure of workers to occupational hazards in the working environment due to air pollution, noise or vibration, shall be notified to the competent authority and the competent authority, as appropriate, may authorise the use on prescribed conditions or prohibit it.

### *Article 13*

All persons concerned shall be adequately and suitably—

- (a) informed of potential occupational hazards in the working environment due to air pollution, noise and vibration; and
- (b) instructed in the measures available for the prevention and control of, and protection against, those hazards.

### *Article 14*

Measures taking account of national conditions and resources shall be taken to promote research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration.

## PART IV. MEASURES OF APPLICATION

### *Article 15*

On conditions and in circumstances determined by the competent authority, the employer shall be required to appoint a competent person, or use a competent outside service or service common to several undertakings, to deal with matters pertaining to the prevention and control of air pollution, noise and vibration in the working environment.



#### *Article 16*

Each Member shall—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Convention;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Convention, or satisfy itself that appropriate inspection is carried out.

### PART V. FINAL PROVISIONS

#### *Article 17*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 18*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 19*

1. A Member which has ratified this Convention may denounce it, in whole or in respect of one or more of the categories of hazards referred to in Article 2 thereof, after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 20*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 21*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.



#### Article 22

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### Article 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### Article 24

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-third Session which was held at Geneva and declared closed the twenty-second day of June 1977.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1977.



# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 156

RECOMMENDATION CONCERNING THE PROTECTION  
OF WORKERS AGAINST OCCUPATIONAL HAZARDS  
IN THE WORKING ENVIRONMENT DUE TO AIR  
POLLUTION, NOISE AND VIBRATION,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-THIRD SESSION,  
GENEVA, 20 JUNE 1977

### RECOMMANDATION 156

RECOMMANDATION CONCERNANT LA PROTECTION  
DES TRAVAILLEURS CONTRE LES RISQUES PROFESSIONNELS  
DUS A LA POLLUTION DE L'AIR, AU BRUIT ET  
AUX VIBRATIONS SUR LES LIEUX DE TRAVAIL,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-TROISIÈME SESSION,  
GENÈVE, 20 JUIN 1977



The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office:*  
*pour le Directeur général du Bureau international du Travail:*

**RECOMMENDATION CONCERNING THE PROTECTION OF WORKERS  
AGAINST OCCUPATIONAL HAZARDS IN THE WORKING ENVIRON-  
MENT DUE TO AIR POLLUTION, NOISE AND VIBRATION**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Noting the terms of existing international labour Conventions and Recommendations which are relevant, and, in particular, the Protection of Workers' Health Recommendation, 1953, the Occupational Health Services Recommendation, 1959, the Radiation Protection Convention and Recommendation, 1960, the Guarding of Machinery Convention and Recommendation, 1963, the Employment Injury Benefits Convention, 1964, the Hygiene (Commerce and Offices) Convention and Recommendation, 1964, the Benzene Convention and Recommendation, 1971, and the Occupational Cancer Convention and Recommendation, 1974, and

Having decided upon the adoption of certain proposals with regard to working environment: atmospheric pollution, noise and vibration, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977,

adopts this twentieth day of June of the year one thousand nine hundred and seventy-seven the following Recommendation, which may be cited as the Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977:

**I. SCOPE**

1. (1) To the greatest extent possible, the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and of this Recommendation should be applied to all branches of economic activity.

(2) Measures should be taken to give self-employed persons protection in the working environment analogous to that provided for in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, and in this Recommendation.

**II. PREVENTIVE AND PROTECTIVE MEASURES**

2. (1) The competent authority should prescribe the nature, frequency and other conditions of monitoring of air pollution, noise and vibration in the working environment to be carried out on the employer's responsibility.

(2) Special monitoring in relation to the exposure limits referred to in Article 8 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be undertaken in the working environment when machinery or installations are first put into use or significantly modified, or when new processes are introduced.

3. It should be the duty of the employer to arrange for equipment used to monitor air pollution, noise and vibration in the working environment to be regularly inspected, maintained and calibrated.

4. The workers and/or their representatives and the inspection services should be afforded access to the records of the monitoring of the working environment and to



the records of inspection, maintenance and calibration of apparatus and equipment used therefor.

5. Substances which are harmful to health or otherwise dangerous and which are liable to be airborne in the working environment should, as far as possible, be replaced by less harmful or harmless substances.

6. Processes involving air pollution, noise or vibration in the working environment as defined in Article 3 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should be replaced as far as possible by processes involving less or no air pollution, noise or vibration.

7. The competent authority should determine the substances of which the manufacture, supply or use in the working environment should be prohibited or made subject to its specific authorisation, requiring compliance with particular measures of prevention or protection.

8. (1) In appropriate cases the competent authority should approve standards for the emission levels of machinery and installations as regards air pollution, noise and vibration.

(2) Those standards should be attained as appropriate by—

(a) design; or

(b) built-in devices; or

(c) technical measures during installation.

(3) An obligation to ensure compliance with these standards should be placed on the manufacturer or the supplier of the machinery or installations.

9. Where necessary, the manufacture, supply or use of machinery and installations which cannot, in the light of the most recent technical knowledge, meet the requirements of Paragraph 8 of this Recommendation should be made subject to authorisation by the competent authority requiring compliance with other appropriate technical or administrative protective measures.

10. The provisions of Paragraphs 8 and 9 of this Recommendation should not relieve the employer of his obligations in pursuance of Article 6 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977.

11. The employer should ensure the regular inspection and maintenance of machines and installations, with respect to the emission of harmful substances, dust, noise and vibration.

12. The competent authority should, when necessary for the protection of the workers' health, establish a procedure for the approval of personal protective equipment.

13. In pursuance of Article 9, subparagraph (b), of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, the competent authority should, as appropriate, provide for or promote, in consultation with employers' and workers' organisations, the reduction of exposure through suitable systems or schedules of work organisation, including the reduction of working time without loss of pay.

14. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take into consideration the most recent codes of practice or guides established by the International Labour Office and the conclusions of meetings of experts which may be convened by the International Labour Office, as well as information from other competent bodies.

15. In prescribing measures for the prevention and control of air pollution, noise and vibration in the working environment, the competent authority should take

account of the relationship between the protection of the working environment and the protection of the general environment.

### III. SUPERVISION OF THE HEALTH OF WORKERS

16. (1) The supervision of the health of workers provided for in Article 11 of the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977, should include, as determined by the competent authority—

- (a) a pre-assignment medical examination;
- (b) periodic medical examinations at suitable intervals;
- (c) biological or other tests or investigations which may be necessary to control the degree of exposure and supervise the state of health of the worker concerned;
- (d) medical examinations or biological or other tests or investigations after cessation of the assignment which, when medically indicated, should be made available as of right on a regular basis and over a prolonged period.

(2) The competent authority should require that the results of any such examinations or tests be made available to the worker, and at his request to his personal physician.

17. The supervision provided for in Paragraph 16 of this Recommendation should normally be carried out in working hours and should be free of cost to the worker.

18. (1) The competent authority should develop a system of records of the medical information obtained in pursuance of Paragraph 16 of this Recommendation and should determine the manner in which it is to operate. Provision should be made for the maintenance of such records for an appropriate period of time to assure their availability, in terms which will permit personal identification by the competent authority only, for epidemiological and other research.

(2) To the extent determined by the competent authority, the records should include information on occupational exposure to air pollution, noise and vibration in the working environment.

19. Where continued assignment to work involving exposure to air pollution, noise or vibration is found to be medically inadvisable, every effort should be made, consistent with national practice and conditions, to provide the worker concerned with suitable alternative employment and to maintain his previous income through social security measures or otherwise.

20. In implementing this Recommendation, the rights of workers under social security or social insurance legislation should not be adversely affected.

### IV. TRAINING, INFORMATION AND RESEARCH

21. (1) The competent authority should take measures to promote the training and information of all persons concerned with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

(2) Representatives of the workers of the undertaking should be informed and consulted in advance by the employer on projects, measures and decisions which are liable to have harmful consequences on the health of workers, in connection with air pollution, noise and vibration in the working environment.

(3) Before being assigned to work liable to involve exposure to hazards of air pollution, noise or vibration, workers should be informed by the employer of the hazards, of safety and health measures, and of possibilities of having recourse to medical services.

22. (1) The competent authority, in close co-operation with employers' and workers' organisations, should promote, assist and stimulate research in the field of prevention and control of hazards in the working environment due to air pollution, noise and vibration, with the assistance, as appropriate, of international and national organisations.

(2) All concerned should be informed of the objectives and results of such research.

23. Employers' and workers' organisations should take positive action to carry out programmes of training and information with respect to the prevention and control of, and protection against, existing and potential occupational hazards in the working environment due to air pollution, noise and vibration.

24. Workers' representatives within undertakings should have the facilities and necessary time, without loss of pay, to play an active role in respect of the prevention and control of, and the protection against, occupational hazards in the working environment due to air pollution, noise and vibration. For this purpose, they should have the right to seek assistance from recognised experts of their choice.

25. Such measures as are necessary should be taken to secure that, in connection with the use at a workplace of a substance liable to be harmful to health or otherwise dangerous, adequate information is available on—

- (a) the results of any relevant tests relating to the substance; and
- (b) the conditions required to ensure that, when properly used, it is without danger to the health of workers.

## V. MEASURES OF APPLICATION

26. Each Member should—

- (a) by laws or regulations or any other method consistent with national practice and conditions take such steps, including the provision of appropriate penalties, as may be necessary to give effect to the provisions of this Recommendation;
- (b) provide appropriate inspection services for the purpose of supervising the application of the provisions of this Recommendation, or satisfy itself that appropriate inspection is carried out;
- (c) endeavour to do so as speedily as national conditions permit.

27. In giving effect to the provisions of this Recommendation the competent authority should act in consultation with the most representative organisations of employers and workers concerned, and, as appropriate, manufacturers', suppliers' and importers' organisations.

28. (1) The provisions of this Recommendation which relate to the design, manufacture and supply of machinery and equipment to an approved standard should apply forthwith to newly manufactured machinery and equipment.

(2) The competent authority should, as soon as possible, specify time limits appropriate to their nature for the modification of existing machinery and equipment.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-third Session which was held at Geneva and declared closed the twenty-second day of June 1977.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1977.

# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 149

CONVENTION CONCERNING EMPLOYMENT AND CONDITIONS  
OF WORK AND LIFE OF NURSING PERSONNEL,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-THIRD SESSION,  
GENEVA, 21 JUNE 1977

### CONVENTION 149

CONVENTION CONCERNANT L'EMPLOI ET LES CONDITIONS  
DE TRAVAIL ET DE VIE DU PERSONNEL INFIRMIER,  
ADOPTÉE PAR LA CONFÉRENCE À SA SOIXANTE-TROISIÈME SESSION,  
GENÈVE, 21 JUIN 1977



**CONVENTION CONCERNING EMPLOYMENT AND CONDITIONS OF  
WORK AND LIFE OF NURSING PERSONNEL**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other  
workers in the field of health, in the protection and improvement of the health  
and welfare of the population, and

Recognising that the public sector as an employer of nursing personnel should  
play an active role in the improvement of conditions of employment and work  
of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in  
which there is a shortage of qualified persons and existing staff are not always  
utilised to best effect, is an obstacle to the development of effective health  
services, and

Recalling that nursing personnel are covered by many international labour  
Conventions and Recommendations laying down general standards concern-  
ing employment and conditions of work, such as instruments on discrimina-  
tion, on freedom of association and the right to bargain collectively, on  
voluntary conciliation and arbitration, on hours of work, holidays with pay  
and paid educational leave, on social security and welfare facilities, and on  
maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it  
desirable to supplement the above-mentioned general standards by standards  
specific to nursing personnel, designed to enable them to enjoy a status  
corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the  
World Health Organisation and that there will be continuing co-operation  
with that Organisation in promoting and securing the application of these  
standards, and

Having decided upon the adoption of certain proposals with regard to employ-  
ment and conditions of work and life of nursing personnel, which is the sixth  
item on the agenda of the session, and

Having determined that these proposals shall take the form of an international  
Convention,

adopts this twenty-first day of June of the year one thousand nine hundred and  
seventy-seven the following Convention, which may be cited as the Nursing Personnel  
Convention, 1977:

*Article 1*

1. For the purpose of this Convention, the term " nursing personnel " includes all  
categories of persons providing nursing care and nursing services.

2. This Convention applies to all nursing personnel, wherever they work.

3. The competent authority may, after consultation with the employers' and  
workers' organisations concerned, where such organisations exist, establish special  
rules concerning nursing personnel who give nursing care and services on a voluntary



basis; these rules shall not derogate from the provisions of Article 2, paragraph 2 (a), Article 3, Article 4 and Article 7 of this Convention.

#### *Article 2*

1. Each Member which ratifies this Convention shall adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme, where such a programme exists, and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

2. In particular, it shall take the necessary measures to provide nursing personnel with—

- (a) education and training appropriate to the exercise of their functions; and
- (b) employment and working conditions, including career prospects and remuneration,

which are likely to attract persons to the profession and retain them in it.

3. The policy mentioned in paragraph 1 of this Article shall be formulated in consultation with the employers' and workers' organisations concerned, where such organisations exist.

4. This policy shall be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with the employers' and workers' organisations concerned.

#### *Article 3*

1. The basic requirements regarding nursing education and training and the supervision of such education and training shall be laid down by national laws or regulations or by the competent authority or competent professional bodies, empowered by such laws or regulations to do so.

2. Nursing education and training shall be co-ordinated with the education and training of other workers in the field of health.

#### *Article 4*

National laws or regulations shall specify the requirements for the practice of nursing and limit that practice to persons who meet these requirements.

#### *Article 5*

1. Measures shall be taken to promote the participation of nursing personnel in the planning of nursing services and consultation with such personnel on decisions concerning them, in a manner appropriate to national conditions.

2. The determination of conditions of employment and work shall preferably be made by negotiation between employers' and workers' organisations concerned.

3. The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought through negotiations between the parties or, in such a manner as to ensure the confidence of the parties involved, through independent and impartial machinery such as mediation, conciliation and voluntary arbitration.

#### *Article 6*

Nursing personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:

- (a) hours of work, including regulation and compensation of overtime, inconvenient hours and shift work;
- (b) weekly rest;
- (c) paid annual holidays;
- (d) educational leave;
- (e) maternity leave;
- (f) sick leave;
- (g) social security.

#### *Article 7*

Each Member shall, if necessary, endeavour to improve existing laws and regulations on occupational health and safety by adapting them to the special nature of nursing work and of the environment in which it is carried out.

#### *Article 8*

The provisions of this Convention, in so far as they are not otherwise made effective by means of collective agreements, works rules, arbitration awards, court decisions, or in such other manner consistent with national practice as may be appropriate under national conditions, shall be given effect by national laws or regulations.

#### *Article 9*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 10*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 11*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 12*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 13*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 14*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 15*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 16*

The English and French versions of the text of this Convention are equally authoritative.



# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 157

RECOMMENDATION CONCERNING EMPLOYMENT AND  
CONDITIONS OF WORK AND LIFE OF NURSING PERSONNEL,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-THIRD SESSION,  
GENEVA, 21 JUNE 1977

### RECOMMANDATION 157

RECOMMANDATION CONCERNANT L'EMPLOI ET LES  
CONDITIONS DE TRAVAIL ET DE VIE DU PERSONNEL INFIRMIER,  
ADOPTÉE PAR LA CONFÉRENCE À SA SOIXANTE-TROISIÈME SESSION,  
GENÈVE, 21 JUIN 1977





**RECOMMENDATION CONCERNING EMPLOYMENT AND CONDITIONS  
OF WORK AND LIFE OF NURSING PERSONNEL**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-third Session on 1 June 1977, and

Recognising the vital role played by nursing personnel, together with other workers in the field of health, in the protection and improvement of the health and welfare of the population, and

Emphasising the need to expand health services through co-operation between governments and employers' and workers' organisations concerned in order to ensure the provision of nursing services appropriate to the needs of the community, and

Recognising that the public sector as an employer of nursing personnel should play a particularly active role in the improvement of conditions of employment and work of nursing personnel, and

Noting that the present situation of nursing personnel in many countries, in which there is a shortage of qualified persons and existing staff are not always utilised to best effect, is an obstacle to the development of effective health services, and

Recalling that nursing personnel are covered by many international labour Conventions and Recommendations laying down general standards concerning employment and conditions of work, such as instruments on discrimination, on freedom of association and the right to bargain collectively, on voluntary conciliation and arbitration, on hours of work, holidays with pay and paid educational leave, on social security and welfare facilities, and on maternity protection and the protection of workers' health, and

Considering that the special conditions in which nursing is carried out make it desirable to supplement the above-mentioned general standards by standards specific to nursing personnel, designed to enable them to enjoy a status corresponding to their role in the field of health and acceptable to them, and

Noting that the following standards have been framed in co-operation with the World Health Organisation and that there will be continuing co-operation with that Organisation in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to employment and conditions of work and life of nursing personnel, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-first day of June of the year one thousand nine hundred and seventy-seven the following Recommendation, which may be cited as the Nursing Personnel Recommendation, 1977:

**I. SCOPE**

1. For the purpose of this Recommendation, the term "nursing personnel" includes all categories of persons providing nursing care and nursing services.

2. This Recommendation applies to all nursing personnel, wherever they work.

3. The competent authority may, after consultation with the employers' and workers' organisations concerned, where such organisations exist, establish special rules concerning nursing personnel who give services on a voluntary basis; these rules should not derogate from the provisions of Parts II, III, IV and IX of this Recommendation.

## II. POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

4. (1) Each Member should adopt and apply, in a manner appropriate to national conditions, a policy concerning nursing services and nursing personnel designed, within the framework of a general health programme and within the resources available for health care as a whole, to provide the quantity and quality of nursing care necessary for attaining the highest possible level of health for the population.

(2) The said policy should—

- (a) be co-ordinated with policies relating to other aspects of health care and to other workers in the field of health, in consultation with representatives of the latter;
- (b) include the adoption of laws or regulations concerning education and training for and the practice of the nursing profession and the adaptation of such laws or regulations to developments in the qualifications and responsibilities required of nursing personnel to meet all calls for nursing services;
- (c) include measures —
  - (i) to facilitate the effective utilisation of nursing personnel in the country as a whole; and
  - (ii) to promote the fullest use of the qualifications of nursing personnel in the various establishments, areas and sectors employing them; and
- (d) be formulated in consultation with the employers' and workers' organisations concerned.

5. (1) Measures should be taken, in consultation with the employers' and workers' organisations concerned, to establish a rational nursing personnel structure by classifying nursing personnel in a limited number of categories determined by reference to education and training, level of functions and authorisation to practise.

(2) Such a structure may include the following categories, in accordance with national practice:

- (a) professional nurses, having the education and training recognised as necessary for assuming highly complex and responsible functions, and authorised to perform them;
- (b) auxiliary nurses, having at least the education and training recognised as necessary for assuming less complex functions, under the supervision of a professional nurse as appropriate, and authorised to perform them;
- (c) nursing aides, having prior education and/or on-the-job training enabling them to perform specified tasks under the supervision of a professional or auxiliary nurse.

6. (1) The functions of nursing personnel should be classified according to the level of judgement required, the authority to take decisions, the complexity of the relationship with other functions, the level of technical skill required, and the level of responsibility for the nursing services provided.

(2) The resulting classification should be used to ensure greater uniformity of employment structure in the various establishments, areas and sectors employing nursing personnel.

(3) Nursing personnel of a given category should not be used as substitutes for nursing personnel of a higher category except in case of special emergency, on a provisional basis, and on condition that they have adequate training or experience and are given appropriate compensation.

### III. EDUCATION AND TRAINING

7. (1) Measures should be taken to provide the necessary information and guidance on the nursing profession to persons wishing to take up nursing as a career

(2) Where appropriate, basic nursing education should be conducted in educational institutions within the framework of the general education system of the country at a level similar to that of comparable professional groups.

(3) Laws or regulations should prescribe the basic requirements regarding nursing education and training and provide for the supervision of such education and training, or should empower the competent authority or competent professional bodies to do so.

(4) Nursing education and training should be organised by reference to recognised community needs, taking account of resources available in the country, and should be co-ordinated with the education and training of other workers in the field of health.

8. (1) Nursing education and training should include both theory and practice in conformity with a programme officially recognised by the competent authorities.

(2) Practical training should be given in approved preventive, curative and rehabilitation services, under the supervision of qualified nurses.

9. (1) The duration of basic nursing education and training should be related to the minimum educational requirements for entry to training and to the purposes of training.

(2) There should be two levels of approved basic education and training:

(a) an advanced level, designed to train professional nurses having sufficiently wide and thorough skills to enable them to provide the most complex nursing care and to organise and evaluate nursing care, in hospitals and other health-related community services; as far as possible, students accepted for education and training at this level should have the background of general education required for entry to university;

(b) a less advanced level, designed to train auxiliary nurses able to provide general nursing care which is less complex but which requires technical skills and aptitude for personal relations; students accepted for education and training at this level should have attained as advanced a level as possible of secondary education.

10. There should be programmes of higher nursing education to prepare nursing personnel for the highest responsibilities in direct and supportive nursing care, in the administration of nursing services, in nursing education and in research and development in the field of nursing.

11. Nursing aides should be given theoretical and practical training appropriate to their functions.

12. (1) Continuing education and training both at the workplace and outside should be an integral part of the programme referred to in Paragraph 8, subparagraph 1, of this Recommendation and be available to all so as to ensure the updating and upgrading of knowledge and skills and to enable nursing personnel to acquire and apply new ideas and techniques in the field of nursing and related sciences.

(2) Continuing nursing education and training should include provision for programmes which would promote and facilitate the advancement of nursing aides and auxiliary nurses.

(3) Such education and training should also include provision for programmes which would facilitate re-entry into nursing after a period of interruption.

#### IV. PRACTICE OF THE NURSING PROFESSION

13. The laws or regulations concerning the practice of the nursing profession should—

(a) specify the requirements for the practice of the nursing profession as professional nurse or as auxiliary nurse and, where the possession of certificates attesting the attainment of the required level of education and training does not automatically imply the right to practise the profession, empower a body including representatives of nursing personnel to grant licences;

(b) limit the practice of the profession to duly authorised persons;

(c) be reviewed and updated, as necessary, in accordance with current advances and practices in the profession.

14. The standards concerning nursing practice should be co-ordinated with those concerning the practice of other health professions.

15. (1) Nursing personnel should not be assigned to work which goes beyond their qualifications and competence.

(2) Where individuals are not qualified for work on which they are already employed, they should be trained as quickly as possible to obtain the necessary qualifications, and their preparation for these qualifications should be facilitated.

16. Consideration should be given to the measures which may be called for by the problem of civil liability of nursing personnel arising from the exercise of their functions.

17. Any disciplinary rules applicable to nursing personnel should be determined with the participation of representatives of nursing personnel and should guarantee such personnel a fair judgement and adequate appeal procedures, including the right to be represented by persons of their choice at all levels of the proceedings, in a manner appropriate to national conditions.

18. Nursing personnel should be able to claim exemption from performing specific duties, without being penalised, where performance would conflict with their religious, moral or ethical convictions and where they inform their supervisor in good time of their objection so as to allow the necessary alternative arrangements to be made to ensure that essential nursing care of patients is not affected.

#### V. PARTICIPATION

19. (1) Measures should be taken to promote the participation of nursing personnel in the planning and in decisions concerning national health policy in general and concerning their profession in particular at all levels, in a manner appropriate to national conditions.

(2) In particular—

(a) qualified representatives of nursing personnel, or of organisations representing them, should be associated with the elaboration and application of policies and general principles regarding the nursing profession, including those regarding education and training and the practice of the profession;

- (b) conditions of employment and work should be determined by negotiation between the employers' and workers' organisations concerned;
- (c) the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organisations representing nursing personnel to have recourse to such other steps as are normally open to organisations of other workers in defence of their legitimate interests;
- (d) in the employing establishment, nursing personnel or their representatives in the meaning of Article 3 of the Workers' Representatives Convention, 1971, should be associated with decisions relating to their professional life, in a manner appropriate to the questions at issue.

20. Representatives of nursing personnel should be assured the protection provided for in the Workers' Representatives Convention and Recommendation, 1971.

## VI. CAREER DEVELOPMENT

21. (1) Measures should be taken to offer nursing personnel reasonable career prospects by providing for a sufficiently varied and open range of possibilities of professional advancement, leadership positions in direct and supportive nursing care, the administration of nursing services, nursing education, and research and development in the field of nursing, and a grading and a remuneration structure recognising the acceptance of functions involving increased responsibility, and requiring greater technical skill and professional judgement.

(2) These measures should also give recognition to the importance of functions involving direct relations with patients and the public.

22. Measures should be taken to give nursing personnel advice and guidance on career prospects and, as appropriate, on re-entry into nursing after a period of interruption.

23. In determining the level at which nursing personnel re-entering the profession after an interruption of its practice should be employed, account should be taken of previous nursing experience and the duration of the interruption.

24. (1) Nursing personnel wishing to participate in programmes of continuing education and training and capable of doing so should be given the necessary facilities.

(2) These facilities might consist in the grant of paid or unpaid educational leave, adaptation of hours of work, and payment of study or training costs; wherever possible, nursing personnel should be granted paid educational leave in accordance with the Paid Educational Leave Convention, 1974.

(3) Employers should provide staff and facilities for in-service training of nursing personnel, preferably at the workplace.

## VII. REMUNERATION

25. (1) The remuneration of nursing personnel should be fixed at levels which are commensurate with their socio-economic needs, qualifications, responsibilities, duties and experience, which take account of the constraints and hazards inherent in the profession, and which are likely to attract persons to the profession and retain them in it.



(2) Levels of remuneration should bear comparison with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities.

(3) Levels of remuneration for nursing personnel having similar or equivalent duties and working in similar or equivalent conditions should be comparable, whatever the establishments, areas or sectors in which they work.

(4) Remuneration should be adjusted from time to time to take into account variations in the cost of living and rises in the national standard of living.

(5) The remuneration of nursing personnel should preferably be fixed by collective agreement.

26. Scales of remuneration should take account of the classification of functions and responsibilities recommended in Paragraphs 5 and 6 and of the principles of career policy set out in Paragraph 21 of this Recommendation.

27. Nursing personnel who work in particularly arduous or unpleasant conditions should receive financial compensation for this.

28. (1) Remuneration should be payable entirely in money.

(2) Deductions from wages should be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.

(3) Nursing personnel should be free to decide whether or not to use the services provided by the employer.

29. Work clothing, medical kits, transport facilities and other supplies required by the employer or necessary for the performance of the work should be provided by the employer to nursing personnel and maintained free of charge.

#### VIII. WORKING TIME AND REST PERIODS

30. For the purpose of this Recommendation

(a) the term "normal hours of work" means the number of hours fixed in each country by or in pursuance of laws or regulations, collective agreements or arbitration awards;

(b) the term "overtime" means hours worked in excess of normal hours of work;

(c) the term "on-call duty" means periods of time during which nursing personnel are, at the workplace or elsewhere, at the disposal of the employer in order to respond to possible calls;

(d) the term "inconvenient hours" means hours worked on other than the normal working days and at other than the normal working time of the country.

31. The time during which nursing personnel are at the disposal of the employer --such as the time needed to organise their work and the time needed to receive and to transmit instructions--should be counted as working time for nursing personnel, subject to possible special provisions concerning on-call duty.

32. (1) The normal weekly hours of nursing personnel should not be higher than those set in the country concerned for workers in general.

(2) Where the normal working week of workers in general exceeds 40 hours, steps should be taken to bring it down, progressively, but as rapidly as possible, to that level for nursing personnel, without any reduction in salary, in accordance with Paragraph 9 of the Reduction of Hours of Work Recommendation, 1962.



33. (1) Normal daily hours of work should be continuous and not exceed eight hours, except where arrangements are made by laws or regulations, collective agreements, works rules or arbitration awards for flexible hours or a compressed week; in any case, the normal working week should remain within the limits referred to in Paragraph 32, subparagraph (1), of this Recommendation.

(2) The working day, including overtime, should not exceed 12 hours.

(3) Temporary exceptions to the provisions of this Paragraph should be authorised only in case of special emergency.

34. (1) There should be meal breaks of reasonable duration.

(2) There should be rest breaks of reasonable duration included in the normal hours of work.

35. Nursing personnel should have sufficient notice of working schedules to enable them to organise their personal and family life accordingly. Exceptions to these schedules should be authorised only in case of special emergency.

36. (1) Where nursing personnel are entitled to less than 48 hours of continuous weekly rest, steps should be taken to bring their weekly rest to that level.

(2) The weekly rest of nursing personnel should in no case be less than 36 uninterrupted hours.

37. (1) There should be as little recourse to overtime work, work at inconvenient hours and on-call duty as possible.

(2) Overtime and work on public holidays should be compensated in time off and/or remuneration at a higher rate than the normal salary rate.

(3) Work at inconvenient hours other than public holidays should be compensated by an addition to salary.

38. (1) Shift work should be compensated by an increase in remuneration which should not be less than that applicable to shift work in other employment in the country.

(2) Nursing personnel assigned to shift work should have a period of continuous rest of at least 12 hours between shifts.

(3) A single shift of duty divided by a period of unremunerated time (split shift) should be avoided.

39. (1) Nursing personnel should be entitled to, and required to take, a paid annual holiday of at least the same length as other workers in the country.

(2) Where the length of the paid annual holiday is less than four weeks for one year of service, steps should be taken to bring it progressively, but as rapidly as possible, to that level for nursing personnel.

40. Nursing personnel who work in particularly arduous or unpleasant conditions should benefit from a reduction of working hours and/or an increase in rest periods, without any decrease in total remuneration.

41. (1) Nursing personnel absent from work by reason of illness or injury should be entitled, for a period and in a manner determined by laws or regulations or by collective agreements, to--

(a) maintenance of the employment relationship and of rights deriving therefrom;

(b) income security.

(2) The laws or regulations, or collective agreements, establishing sick leave entitlement should distinguish between--

(a) cases in which the illness or injury is service-incurred;

(b) cases in which the person concerned is not incapacitated for work but absence from work is necessary to protect the health of others;

(c) cases of illness or injury unrelated to work.

42. (1) Nursing personnel, without distinction between married and unmarried persons, should be assured the benefits and protection provided for in the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952.

(2) Maternity leave should not be considered to be sick leave.

(3) The measures provided for in the Employment (Women with Family Responsibilities) Recommendation, 1965, should be applied in respect of nursing personnel.

43. In accordance with Paragraph 19 of this Recommendation, decisions concerning the organisation of work, working time and rest periods should be taken in agreement or in consultation with freely chosen representatives of the nursing personnel or with organisations representing them. They should bear, in particular, on --

(a) the hours to be regarded as inconvenient hours;

(b) the conditions in which on-call duty will be counted as working time;

(c) the conditions in which the exceptions provided for in Paragraph 33, subparagraph (3), and in Paragraph 35 of this Recommendation will be authorised;

(d) the length of the breaks provided for in Paragraph 34 of this Recommendation and the manner in which they are to be taken;

(e) the form and amount of the compensation provided for in Paragraphs 37 and 38 of this Recommendation;

(f) working schedules;

(g) the conditions to be considered as particularly arduous or unpleasant for the purpose of Paragraphs 27 and 40 of this Recommendation.

## IX. OCCUPATIONAL HEALTH PROTECTION

44. Each Member should endeavour to adapt laws and regulations on occupational health and safety to the special nature of nursing work and of the environment in which it is carried out, and to increase the protection afforded by them.

45. (1) Nursing personnel should have access to occupational health services operating in accordance with the provisions of the Occupational Health Services Recommendation, 1959.

(2) Where occupational health services have not yet been set up for all undertakings, medical care establishments employing nursing personnel should be among the undertakings for which, in accordance with Paragraph 4 of that Recommendation, such services should be set up in the first instance.

46. (1) Each Member and the employers' and workers' organisations concerned should pay particular attention to the provisions of the Protection of Workers' Health Recommendation, 1953, and endeavour to ensure its application to nursing personnel.

(2) All appropriate measures should be taken in accordance with Paragraphs 1 to 7 of that Recommendation to prevent, reduce or eliminate risks to the health or safety of nursing personnel.

47. (1) Nursing personnel should undergo medical examinations on taking up and terminating an appointment, and at regular intervals during their service.

(2) Nursing personnel regularly assigned to work in circumstances such that a definite risk to their health or to that of others around them exists or may be suspected should undergo regular medical examinations at intervals appropriate to the risk involved.

(3) Objectivity and confidentiality should be assured in examinations provided for in this Paragraph; the examinations referred to should not be carried out by doctors with whom the persons examined have a close working relationship.

48. (1) Studies should be undertaken - and kept up to date - to determine special risks to which nursing personnel may be exposed in the exercise of their profession so that these risks may be prevented and, as appropriate, compensated.

(2) For that purpose, cases of occupational accidents and cases of diseases recognised as occupational under laws or regulations concerning employment injury benefits, or liable to be occupational in origin, should be notified to the competent authority, in a manner to be prescribed by national laws or regulations, in accordance with Paragraphs 14 to 17 of the Protection of Workers' Health Recommendation, 1953.

49. (1) All possible steps should be taken to ensure that nursing personnel are not exposed to special risks. Where exposure to special risks is unavoidable, measures should be taken to minimise it.

(2) Measures such as the provision and use of protective clothing, immunisation, shorter hours, more frequent rest breaks, temporary removal from the risk or longer annual holidays should be provided for in respect to nursing personnel regularly assigned to duties involving special risks so as to reduce their exposure to these risks.

(3) In addition, nursing personnel who are exposed to special risks should receive financial compensation.

50. Pregnant women and parents of young children whose normal assignment could be prejudicial to their health or that of their child should be transferred, without loss of entitlements, to work appropriate to their situation.

51. The collaboration of nursing personnel and of organisations representing them should be sought in ensuring the effective application of provisions concerning the protection of the health and safety of nursing personnel.

52. Appropriate measures should be taken for the supervision of the application of the laws and regulations and other provisions concerning the protection of the health and safety of nursing personnel.

## X. SOCIAL SECURITY

53. (1) Nursing personnel should enjoy social security protection at least equivalent, as the case may be, to that of other persons employed in the public service or sector, employed in the private sector, or self-employed, in the country concerned; this protection should cover periods of probation and periods of training of persons regularly employed as nursing personnel.

(2) The social security protection of nursing personnel should take account of the particular nature of their activity.

54. As far as possible, appropriate arrangements should be made to ensure continuity in the acquisition of rights and the provision of benefits in case of change of employment and temporary cessation of employment.

55. (1) Where the social security scheme gives protected persons the free choice of doctor and medical institution, nursing personnel should enjoy the same freedom of choice.

(2) The medical records of nursing personnel should be confidential.

56. National laws or regulations should make possible the compensation, as an occupational disease, of any illness contracted by nursing personnel as a result of their work.

#### XI. SPECIAL EMPLOYMENT ARRANGEMENTS

57. With a view to making the most effective use of available nursing personnel and to preventing the withdrawal of qualified persons from the profession, measures should be taken to make possible temporary and part-time employment.

58. The conditions of employment of temporary and part-time nursing personnel should be equivalent to those of permanent and full-time staff respectively, their entitlements being, as appropriate, calculated on a pro rata basis.

#### XII. NURSING STUDENTS

59. Nursing students should enjoy the rights and freedoms of students in other disciplines, subject only to limitations which are essential for their education and training.

60. (1) Practical work of nursing students should be organised and carried out by reference to their training needs; it should in no case be used as a means of meeting normal staffing requirements.

(2) During their practical work, nursing students should only be assigned tasks which correspond to their level of preparation.

(3) Throughout their education and training, nursing students should have the same health protection as nursing personnel.

(4) Nursing students should have appropriate legal protection.

61. During their education and training, nursing students should receive precise and detailed information on the employment, working conditions and career prospects of nursing personnel, and on the means available to them to further their economic, social and professional interests.

#### XIII. INTERNATIONAL CO-OPERATION

62. In order to promote exchanges of personnel, ideas and knowledge, and thereby improve nursing care, Members should endeavour, in particular by multi-lateral or bilateral arrangements, to--

(a) harmonise education and training for the nursing profession without lowering standards;

(b) lay down the conditions of mutual recognition of qualifications acquired abroad;

(c) harmonise the requirements for authorisation to practice;

(d) organise nursing personnel exchange programmes.

63. (1) Nursing personnel should be encouraged to use the possibilities of education and training available in their own country.

(2) Where necessary or desirable, they should have the possibility of education and training abroad, as far as possible by way of organised exchange programmes.

64. (1) Nursing personnel undergoing education or training abroad should be able to obtain appropriate financial aid, on conditions to be determined by multi-lateral or bilateral agreements or national laws or regulations.

(2) Such aid may be made dependent on an undertaking to return to their country within a reasonable time and to work there for a specified minimum period in a job corresponding to the newly acquired qualifications, on terms at least equal to those applicable to other nationals.

65. Consideration should be given to the possibility of detaching personnel wishing to work or train abroad for a specified period, without break in the employment relationship.

66. (1) Foreign nursing personnel should have qualifications recognised by the competent authority as appropriate for the posts to be filled and satisfy all other conditions for the practice of the profession in the country of employment; foreign personnel participating in organised exchange programmes may be exempted from the latter requirement.

(2) The employer should satisfy himself that foreign nursing personnel have adequate language ability for the posts to be filled.

(3) Foreign nursing personnel with equivalent qualifications should have conditions of employment which are as favourable as those of national personnel in posts involving the same duties and responsibilities.

67. (1) Recruitment of foreign nursing personnel for employment should be authorised only

(a) if there is a lack of qualified personnel for the posts to be filled in the country of employment;

(b) if there is no shortage of nursing personnel with the qualifications sought in the country of origin.

(2) Recruitment of foreign nursing personnel should be undertaken in conformity with the relevant provisions of the Migration for Employment Convention and Recommendation (Revised), 1949.

68. Nursing personnel employed or in training abroad should be given all necessary facilities when they wish to be repatriated.

69. As regards social security, Members should, in accordance with national practice—

(a) assure to foreign nursing personnel training or working in the country equality of treatment with national personnel;

(b) participate in bilateral or multilateral arrangements designed to ensure the maintenance of the acquired rights or rights in course of acquisition of migrant nursing personnel, as well as the provision of benefits abroad.

#### XIV. METHODS OF APPLICATION

70. This Recommendation may be applied by national laws or regulations, collective agreements, works rules, arbitration awards or judicial decisions, or in any



other manner consistent with national practice which may be appropriate, account being taken of conditions in each country.

71. In applying the provisions of this Recommendation, Members and the employers' and workers' organisations concerned should be guided to the extent possible and desirable by the suggestions concerning its practical application set forth in the Annex.

## ANNEX

### Suggestions concerning Practical Application

#### POLICY CONCERNING NURSING SERVICES AND NURSING PERSONNEL

1. Sufficient budgetary provision should be made to permit the attainment of the objectives of the national policy concerning nursing services and nursing personnel.

2. (1) The programming of nursing services should be a continuing process at all levels of general health programming.

(2) Nursing services should be programmed on the basis of

- (a) information obtained from studies and research which are of a continuing nature and permit adequate evaluation of the problems arising and of the needs and available resources;
- (b) technical standards appropriate to changing needs and national and local conditions.

(3) In particular, measures should be taken to —

- (a) establish adequate nursing standards;
- (b) specify the nursing functions called for by the recognised needs;
- (c) determine the staffing standards for the adequate composition of nursing teams as regards the number of persons and qualifications required at the various levels and in the various categories;
- (d) determine on that basis the categories, number and level of personnel required for the development of nursing services as a whole and for the effective utilisation of personnel;
- (e) determine, in consultation with the representatives of those concerned, the relationship between nursing personnel and other categories of health personnel.

3. The policy concerning nursing services and nursing personnel should aim at developing four types of functions of nursing personnel: direct and supportive nursing care; the administration of nursing services; nursing education; and research and development in the field of nursing.

4. Appropriate technical and material resources should be provided for the proper exercise of the tasks of nursing personnel.

5. The classification of functions recommended in Paragraph 5 of the Recommendation should be based on an analysis of jobs and an evaluation of functions made in consultation with the employers' and workers' organisations concerned.

#### EDUCATION AND TRAINING

6. Where the educational possibilities of large sections of the population are limited, measures should be taken within the programmes of nursing education and training to supplement the general education of students who have not attained the level required in accordance with Paragraph 9 of the Recommendation.

7. Programmes of nursing education and training should provide a basis for access to education and training for higher responsibilities, create a desire for self-improvement, and prepare students to apply their knowledge and skills as members of the health team.



## PRACTICE OF THE NURSING PROFESSION

8. (1) In conditions to be determined, the renewal of an authorisation to practise the nursing profession may be required.

(2) Such renewal might be made subject to requirements of continuing education and training, where this is considered necessary to ensure that authorised nursing personnel remain fully qualified.

9. Re-entry into the profession after an interruption of its practice may be made subject, in specified circumstances, to verification of qualifications; in such case, consideration should be given to facilitating re-entry by such methods as employment alongside another person for a specified period before verification takes place.

10. (1) Any disciplinary rules applicable to nursing personnel should include

- (a) a definition of breach of professional conduct taking account of the nature of the profession and of such standards of professional ethics as may be applicable thereto;
- (b) an indication of the sanctions applicable, which should be proportional to the gravity of the fault.

(2) Any disciplinary rules applicable to nursing personnel should be laid down in the framework of rules applicable to health personnel as a whole or, where there are no such rules, should take due account of rules applicable to other categories of health personnel.

## CAREER DEVELOPMENT

11. Where the possibilities of professional advancement are limited as a result of the manner in which nursing services in general are conceived, measures might be taken to facilitate access to studies leading to qualifications for other health professions.

12. (1) Measures should be taken to establish systems of classification and of scales of remuneration which provide possibilities of professional advancement on the basis of the classification of the level of functions envisaged in Paragraph 6 of the Recommendation.

(2) These systems should be sufficiently open to provide an incentive for nursing personnel to pass from one level to another.

(3) The promotion of nursing personnel should be based on equitable criteria and take account of experience and demonstrated ability.

13. Increases in remuneration should be provided for, at every level, by reference to the development of experience and ability.

14. (1) Measures should be taken to encourage nursing personnel to make the greatest possible use of their knowledge and their qualifications in their work.

(2) The responsibilities effectively assumed by nursing personnel and the competence shown by them should be continuously reviewed so as to ensure remuneration and possibilities of advancement or promotion corresponding thereto.

15. (1) Periods of paid educational leave should be considered to be periods of work for the purpose of entitlement to social benefits and other rights deriving from the employment relationship.

(2) As far as possible, periods of unpaid educational leave for the purpose of additional education and training should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

## REMUNERATION

16. Pending the attainment of levels of remuneration comparable with those of other professions requiring similar or equivalent qualifications and carrying similar or equivalent responsibilities, measures should be taken, where necessary, to bring remuneration as rapidly as possible to a level which is likely to attract nursing personnel to the profession and retain them in it.

17. (1) Additions to salary and compensatory payments which are granted on a regular basis should, to an extent commensurate with general practice in the professions referred to

in Paragraph 16 of this Annex, be regarded as an integral part of remuneration for the calculation of holiday pay, pensions and other social benefits.

(2) Their amount should be periodically reviewed in the light of changes in the cost of living.

#### WORKING TIME AND REST PERIODS

18. (1) In the organisation of hours of work, every effort should be made, subject to the requirements of the service, to allocate shift work, overtime work and work at inconvenient hours equitably between nursing personnel, and in particular between permanent and temporary and between full-time and part-time personnel, and to take account as far as possible of individual preferences and of special considerations regarding such matters as climate, transportation and family responsibilities.

(2) The organisation of hours of work for nursing personnel should be based on the need for nursing services rather than subordinated to the work pattern of other health service personnel.

19. (1) Appropriate measures to limit the need for overtime, for work at inconvenient hours and for on-call duty should be taken in the organisation of work, in determining the number and use of staff and in scheduling hours of work; in particular, account should be taken of the need for replacing nursing personnel during absences or leave authorised by laws or regulations or collective agreements, so that the personnel who are present will not be overburdened.

(2) Overtime should be worked on a voluntary basis, except where it is essential for patient care and sufficient volunteers are not available.

20. The notice of working schedules provided for in Paragraph 35 of the Recommendation should be given at least two weeks in advance.

21. Any period of on-call duty during which nursing personnel are required to remain at the workplace or the services of nursing personnel are actually used should be fully regarded as working time and remunerated as such.

22. (1) Nursing personnel should be free to take their meals in places of their choice.

(2) They should be able to take their rest breaks at a place other than their workplace.

23. The time at which the annual holiday is to be taken should be determined on an equitable basis, due account being taken of family obligations, individual preferences and the requirements of the service.

#### OCCUPATIONAL HEALTH PROTECTION

24. Nursing personnel in respect of whom special measures such as those envisaged in Paragraphs 47, subparagraph (2), 49 and 50 of the Recommendation should be taken should include, in particular, personnel regularly exposed to ionising radiations or to anaesthetic substances and personnel in contact with infectious diseases or mental illness.

25. Nursing personnel regularly exposed to ionising radiations should, in addition, enjoy the protection of the measures provided for in the Radiation Protection Convention and Recommendation, 1960.

26. Work to which pregnant women or mothers of young children should not be assigned should include –

(a) as regards women covered by Paragraph 5 of the Maternity Protection Recommendation, 1952, the types of work enumerated therein;

(b) generally, work involving exposure to ionising radiations or anaesthetic substances or involving contact with infectious diseases.

## SOCIAL SECURITY

27. In order to ensure continuity in the acquisition of rights and the provision of benefits, as provided in Paragraph 54 of the Recommendation, steps should be taken to co-ordinate such private supplementary schemes as exist with each other and with statutory schemes.

28. In order to ensure that nursing personnel receive the compensation for illnesses contracted as a result of their work, as provided for in Paragraph 56 of the Recommendation, Members should, by laws or regulations:—

- (a) prescribe a list establishing a presumption of occupational origin in respect of certain diseases when they are contracted by nursing personnel, and revise the list periodically in the light of scientific and technical developments affecting nursing personnel;
- (b) complement that list by a general definition of occupational diseases or by other provision enabling nursing personnel to establish the occupational origin of diseases not presumed to be occupational by virtue of the list.

## INTERNATIONAL CO-OPERATION

29. The financial aid given to nursing personnel undergoing education or training abroad might include, as appropriate—

- (a) payment of travel expenses;
- (b) payment of study costs;
- (c) scholarships;
- (d) continuation of full or partial remuneration, in the case of nursing personnel already employed.

30. As far as possible, periods of leave or detachment for training or work abroad should be taken into consideration in the calculation of seniority, particularly as regards remuneration and pension rights.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-third Session which was held at Geneva and declared closed the twenty-second day of June 1977.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1977.



# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 150

CONVENTION CONCERNING LABOUR ADMINISTRATION:  
ROLE, FUNCTIONS AND ORGANISATION,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-FOURTH SESSION,  
GENEVA, 26 JUNE 1978

### CONVENTION 150

CONVENTION CONCERNANT L'ADMINISTRATION  
DU TRAVAIL: RÔLE, FONCTIONS ET ORGANISATION,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-QUATRIÈME SESSION,  
GENÈVE, 26 JUIN 1978





The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :  
pour le Directeur général du Bureau international du Travail :*

CONVENTION CONCERNING LABOUR ADMINISTRATION: ROLE, FUNCTIONS AND ORGANISATION

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Recalling the terms of existing international labour Conventions and Recommendations, including in particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of particular labour administration activities, and

Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of labour administration, and

Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources Development Convention, 1975; recalling also the goal of the creation of full and adequately remunerated employment and affirming the need for programmes of labour administration to work towards this goal and to give effect to the objectives of the said Conventions, and

Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations, recalling in this connection the terms of existing international labour Conventions and Recommendations guaranteeing rights of association, organisation and collective bargaining—and particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949—which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof, and considering that employers' and workers' organisations have essential roles in attaining the objectives of economic, social and cultural progress, and

Having decided upon the adoption of certain proposals with regard to labour administration: role, functions and organisation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight the following Convention, which may be cited as the Labour Administration Convention, 1978:

*Article 1*

For the purpose of this Convention—

- (a) the term "labour administration" means public administration activities in the field of national labour policy;
- (b) the term "system of labour administration" covers all public administration bodies responsible for and/or engaged in labour administration—whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration—and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.

## *Article 2*

A Member which ratifies this Convention may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or—where appropriate—to employers' and workers' representatives.

## *Article 3*

A Member which ratifies this Convention may regard particular activities in the field of its national labour policy as being matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

## *Article 4*

Each Member which ratifies this Convention shall, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

## *Article 5*

1. Each Member which ratifies this Convention shall make arrangements appropriate to national conditions to secure, within the system of labour administration, consultation, co-operation and negotiation between the public authorities and the most representative organisations of employers and workers, or—where appropriate—employers' and workers' representatives.

2. To the extent compatible with national laws and regulations, and national practice, such arrangements shall be made at the national, regional and local levels as well as at the level of the different sectors of economic activity.

## *Article 6*

1. The competent bodies within the system of labour administration shall, as appropriate, be responsible for or contribute to preparation, administration, co-ordination, checking and review of national labour policy, and be the instrument within the ambit of public administration for the preparation and implementation of laws and regulations giving effect thereto.

2. In particular, these bodies, taking into account relevant international labour standards, shall—

- (a) participate in the preparation, administration, co-ordination, checking and review of national employment policy, in accordance with national laws and regulations, and national practice;
- (b) study and keep under review the situation of employed, unemployed and under-employed persons, taking into account national laws and regulations and national practice concerning conditions of work and working life and terms of employment, draw attention to defects and abuses in such conditions and terms and submit proposals on means to overcome them;
- (c) make their services available to employers and workers, and their respective organisations, as may be appropriate under national laws or regulations, or national practice, with a view to the promotion—at national, regional and local levels as well as at the level of the different sectors of economic activity—of effective consultation and co-operation between public authorities and bodies and employers' and workers' organisations, as well as between such organisations;
- (d) make technical advice available to employers and workers and their respective organisations on their request.

#### *Article 7*

When national conditions so require, with a view to meeting the needs of the largest possible number of workers, and in so far as such activities are not already covered, each Member which ratifies this Convention shall promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities, to be carried out in co-operation with other competent bodies, relating to the conditions of work and working life of appropriate categories of workers who are not, in law, employed persons, such as—

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) self-employed workers who do not engage outside help, occupied in the informal sector as understood in national practice;
- (c) members of co-operatives and worker-managed undertakings;
- (d) persons working under systems established by communal customs or traditions.

#### *Article 8*

To the extent compatible with national laws and regulations and national practice, the competent bodies within the system of labour administration shall contribute to the preparation of national policy concerning international labour affairs, participate in the representation of the State with respect to such affairs and contribute to the preparation of measures to be taken at the national level with respect thereto.

#### *Article 9*

With a view to the proper co-ordination of the functions and responsibilities of the system of labour administration, in a manner determined by national laws or regulations, or national practice, a ministry of labour or another comparable body shall have the means to ascertain whether any parastatal agencies which may be responsible for particular labour administration activities, and any regional or local agencies to which particular labour administration activities may have been delegated, are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.

#### *Article 10*

1. The staff of the labour administration system shall be composed of persons who are suitably qualified for the activities to which they are assigned, who have access to training necessary for such activities and who are independent of improper external influences.

2. Such staff shall have the status, the material means and the financial resources necessary for the effective performance of their duties.

#### *Article 11*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 12*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### Article 18

The English and French versions of the text of this Convention are equally authoritative.



The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eighth day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.



# **International Labour Conference**

## **Conférence internationale du Travail**

### **RECOMMENDATION 158**

RECOMMENDATION CONCERNING LABOUR ADMINISTRATION:  
ROLE, FUNCTIONS AND ORGANISATION,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-FOURTH SESSION,  
GENEVA, 26 JUNE 1978

### **RECOMMANDATION 158**

RECOMMANDATION CONCERNANT L'ADMINISTRATION  
DU TRAVAIL: RÔLE, FONCTIONS ET ORGANISATION,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-QUATRIÈME SESSION,  
GENÈVE, 26 JUIN 1978



## Recommendation 158

### RECOMMENDATION CONCERNING LABOUR ADMINISTRATION: ROLE, FUNCTIONS AND ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Recalling the terms of existing international labour Conventions and Recommendations, including in particular the Labour Inspection Convention, 1947, the Labour Inspection (Agriculture) Convention, 1969, and the Employment Service Convention, 1948, which call for the exercise of particular labour administration activities, and

Considering it desirable to adopt instruments establishing guidelines regarding the over-all system of labour administration, and

Recalling the terms of the Employment Policy Convention, 1964, and of the Human Resources Development Convention, 1975; recalling also the goal of the creation of full and adequately remunerated employment and affirming the need for programmes of labour administration to work towards this goal and to give effect to the objectives of the said Conventions, and

Recognising the necessity of fully respecting the autonomy of employers' and workers' organisations, recalling in this connection the terms of existing international labour Conventions and Recommendations guaranteeing rights of association, organisation and collective bargaining—and particularly the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949—which forbid any interference by public authorities which would restrict these rights or impede the lawful exercise thereof, and considering that employers' and workers' organisations have essential roles in attaining the objectives of economic, social and cultural progress, and

Having decided upon the adoption of certain proposals with regard to labour administration: role, functions and organisation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Administration Convention, 1978,

adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-eight the following Recommendation, which may be cited as the Labour Administration Recommendation, 1978:

#### I. GENERAL PROVISIONS

##### 1. For the purpose of this Recommendation—

- (a) the term "labour administration" means public administration activities in the field of national labour policy;
- (b) the term "system of labour administration" covers all public administration bodies responsible for and/or engaged in labour administration—whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration—and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organisations.



2. A Member may, in accordance with national laws or regulations, or national practice, delegate or entrust certain activities of labour administration to non-governmental organisations, particularly employers' and workers' organisations, or—where appropriate—to employers' and workers' representatives.

3. A Member may regard particular activities in the field of its national labour policy as being matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organisations.

4. Each Member should, in a manner appropriate to national conditions, ensure the organisation and effective operation in its territory of a system of labour administration, the functions and responsibilities of which are properly co-ordinated.

## II. FUNCTIONS OF THE NATIONAL SYSTEM OF LABOUR ADMINISTRATION

### *Labour Standards*

5. (1) The competent bodies within the system of labour administration should—in consultation with organisations of employers and workers and in a manner and under conditions determined by national laws or regulations, or national practice—take an active part in the preparation, development, adoption, application and review of labour standards, including relevant laws and regulations.

(2) They should make their services available to employers' and workers' organisations, as may be appropriate under national laws or regulations, or national practice, with a view to promoting the regulation of terms and conditions of employment by means of collective bargaining.

6. The system of labour administration should include a system of labour inspection.

### *Labour Relations*

7. The competent bodies within the system of labour administration should participate in the determination and application of such measures as may be necessary to ensure the free exercise of employers' and workers' right of association.

8. (1) There should be labour administration programmes aimed at the promotion, establishment and pursuit of labour relations which encourage progressively better conditions of work and working life and which respect the right to organise and bargain collectively.

(2) The competent bodies within the system of labour administration should assist in the improvement of labour relations by providing or strengthening advisory services to undertakings, employers' organisations and workers' organisations requesting such services, in accordance with programmes established on the basis of consultation with such organisations.

9. The competent bodies within the system of labour administration should promote the full development and utilisation of machinery for voluntary negotiation.

(10) The competent bodies within the system of labour administration should be in a position to provide, in agreement with the employers' and workers' organisations concerned, conciliation and mediation facilities, appropriate to national conditions, in case of collective disputes.

### *Employment*

(11) (1) The competent bodies within the system of labour administration should be responsible for or participate in the preparation, administration, co-ordination, checking and review of national employment policy.



(2) A central body of the system of labour administration, to be determined in accordance with national laws or regulations, or national practice, should be closely associated with, or responsible for taking, appropriate institutional measures to co-ordinate the activities of the various authorities and bodies which are concerned with particular aspects of employment policy.

12. The competent bodies within the system of labour administration should co-ordinate, or participate in the co-ordination of, employment services, employment promotion and creation programmes, vocational guidance and vocational training programmes and unemployment benefit schemes, and they should co-ordinate, or participate in the co-ordination of, these various services, programmes and schemes with the implementation of general employment policy measures.

13. The competent bodies within the system of labour administration should be responsible for establishing, or promoting the establishment of, methods and procedures for ensuring consultation of employers' and workers' organisations, or—where appropriate—employers' and workers' representatives, on employment policies, and promotion of their co-operation in the implementation of such policies.

14. (1) The competent bodies within the system of labour administration should be responsible for manpower planning or where this is not possible should participate in the functioning of manpower planning bodies through both institutional representation and the provision of technical information and advice.

(2) They should participate in the co-ordination and integration of manpower plans with economic plans.

(3) They should promote joint action of employers and workers, with the assistance as appropriate of public authorities and bodies, regarding both short- and long-term employment policies.

15. The system of labour administration should include a free public employment service and operate such a service effectively.

16. The competent bodies within the system of labour administration should, wherever national laws and regulations, or national practice, so permit, have or share responsibility for the management of public funds made available for such purposes as countering underemployment and unemployment, regulating the regional distribution of employment, or promoting and assisting the employment of particular categories of workers, including sheltered employment schemes.

17. The competent bodies within the system of labour administration should, in a manner and under conditions determined by national laws or regulations, or national practice, participate in the development of comprehensive and concerted policies and programmes of human resources development including vocational guidance and vocational training.

#### *Research in Labour Matters*

18. For the fulfilment of its social objectives, the system of labour administration should carry out research as one of its important functions and encourage research by others.

### III. ORGANISATION OF THE NATIONAL SYSTEM OF LABOUR ADMINISTRATION

#### *Co-ordination*

19. The ministry of labour or another comparable body determined by national laws or regulations, or national practice, should take or initiate measures ensuring appropriate representation of the system of labour administration in the administrative and consultative bodies in which information is collected, opinions are



considered, decisions are prepared and taken and measures of implementation are devised with respect to social and economic policies.

20. (1) Each of the principal labour administration services competent with respect to the matters referred to in Paragraphs 5 to 18 above should provide periodic information or reports on its activities to the ministry of labour or the other comparable body referred to in Paragraph 19, as well as to employers' and workers' organisations.

(2) Such information or reports should be of a technical nature, include appropriate statistics, and indicate the problems encountered and if possible the results achieved in such a manner as to permit an evaluation of present trends and foreseeable future developments in areas of major concern to the system of labour administration.

(3) The system of labour administration should evaluate, publish and disseminate such information of general interest on labour matters as it is able to derive from its operation.

(4) Members, in consultation with the International Labour Office, should seek to promote the establishment of suitable models for the publication of such information, with a view to improving its international comparability.

21. The structures of the national system of labour administration should be kept constantly under review, in consultation with the most representative organisations of employers and workers.

#### *Resources and Staff*

22. (1) Appropriate arrangements should be made to provide the system of labour administration with the necessary financial resources and an adequate number of suitably qualified staff to promote its effectiveness.

(2) In this connection, due account should be taken of—

- (a) the importance of the duties to be performed;
- (b) the material means placed at the disposal of the staff;
- (c) the practical conditions under which the various functions must be carried out in order to be effective.

23. (1) The staff of the labour administration system should receive initial and further training at levels suitable for their work; there should be permanent arrangements to ensure that such training is available to them throughout their careers.

(2) Staff in particular services should have the special qualifications required for such services, ascertained in a manner determined by the appropriate body.

24. Consideration should be given to supplementing national programmes and facilities for the training envisaged in Paragraph 23 above by international co-operation in the form of exchanges of experience and information and of common initial and further training programmes and facilities, particularly at the regional level.

#### *Internal Organisation*

25. (1) The system of labour administration should normally comprise specialised units to deal with each of the major programmes of labour administration the management of which is entrusted to it by national laws or regulations.

(2) For example, there might be units for such matters as the formulation of standards relating to working conditions and terms of employment; labour inspection;

labour relations; employment, manpower planning and human resources development; international labour affairs; and, as appropriate, social security, minimum wage legislation and questions relating to specific categories of workers.

#### *Field Services*

26. (1) There should be appropriate arrangements for the effective organisation and operation of the field services of the system of labour administration.

(2) In particular, these arrangements should—

- (a) ensure that the placing of field services corresponds to the needs of the various areas, the representative organisations of employers and workers concerned being consulted thereon;
- (b) provide field services with adequate staff, equipment and transport facilities for the effective performance of their duties;
- (c) ensure that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-Fourth Session which was held at Geneva and declared closed the twenty-eighth day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :  
pour le Directeur général du Bureau international du Travail :*



# International Labour Conference

## Conférence internationale du Travail

### CONVENTION 151

CONVENTION CONCERNING PROTECTION OF THE  
RIGHT TO ORGANISE AND PROCEDURES FOR DETERMINING  
CONDITIONS OF EMPLOYMENT IN THE PUBLIC SERVICE,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-FOURTH SESSION,  
GENEVA, 27 JUNE 1978

### CONVENTION 151

CONVENTION CONCERNANT LA PROTECTION DU DROIT  
D'ORGANISATION ET LES PROCÉDURES DE DÉTERMINATION  
DES CONDITIONS D'EMPLOI DANS LA FONCTION PUBLIQUE,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-QUATRIÈME SESSION,  
GENÈVE, 27 JUIN 1978





The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy.

Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :*  
*pour le Directeur général du Bureau international du Travail :*

CONVENTION CONCERNING PROTECTION OF THE RIGHT TO ORGANISE  
AND PROCEDURES FOR DETERMINING CONDITIONS OF EMPLOY-  
MENT IN THE PUBLIC SERVICE

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Noting the terms of the Freedom of Association and Protection of the Right to  
Organise Convention, 1948, the Right to Organise and Collective Bargaining  
Convention, 1949, and the Workers' Representatives Convention and Recom-  
mendation, 1971, and

Recalling that the Right to Organise and Collective Bargaining Convention, 1949,  
does not cover certain categories of public employees and that the Workers'  
Representatives Convention and Recommendation, 1971, apply to workers'  
representatives in the undertaking, and

Noting the considerable expansion of public-service activities in many countries  
and the need for sound labour relations between public authorities and public  
employees' organisations, and

Having regard to the great diversity of political, social and economic systems  
among member States and the differences in practice among them (e.g. as to  
the respective functions of central and local government, of federal, state and  
provincial authorities, and of state-owned undertakings and various types of  
autonomous or semi-autonomous public bodies, as well as to the nature of  
employment relationships), and

Taking into account the particular problems arising as to the scope of, and  
definitions for the purpose of, any international instrument, owing to the  
differences in many countries between private and public employment, as well  
as the difficulties of interpretation which have arisen in respect of the applica-  
tion of relevant provisions of the Right to Organise and Collective Bargaining  
Convention, 1949, to public servants, and the observations of the supervisory  
bodies of the ILO on a number of occasions that some governments have  
applied these provisions in a manner which excludes large groups of public  
employees from coverage by that Convention, and

Having decided upon the adoption of certain proposals with regard to freedom of  
association and procedures for determining conditions of employment in the  
public service, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international  
Convention,

adopts this twenty-seventh day of June of the year one thousand nine hundred and  
seventy-eight the following Convention, which may be cited as the Labour Relations  
(Public Service) Convention, 1978:

PART I. SCOPE AND DEFINITIONS

*Article 1*

1. This Convention applies to all persons employed by public authorities, to the  
extent that more favourable provisions in other international labour Conventions  
are not applicable to them.

2. The extent to which the guarantees provided for in this Convention shall apply  
to high-level employees whose functions are normally considered as policy-making or

managerial, or to employees whose duties are of a highly confidential nature, shall be determined by national laws or regulations.

3. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

#### *Article 2*

For the purpose of this Convention, the term "public employee" means any person covered by the Convention in accordance with Article 1 thereof.

#### *Article 3*

For the purpose of this Convention, the term "public employees' organisation" means any organisation, however composed, the purpose of which is to further and defend the interests of public employees.

### PART II. PROTECTION OF THE RIGHT TO ORGANISE

#### *Article 4*

1. Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to—

- (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organisation;
- (b) cause the dismissal of or otherwise prejudice a public employee by reason of membership of a public employees' organisation or because of participation in the normal activities of such an organisation.

#### *Article 5*

1. Public employees' organisations shall enjoy complete independence from public authorities.

2. Public employees' organisations shall enjoy adequate protection against any acts of interference by a public authority in their establishment, functioning or administration.

3. In particular, acts which are designed to promote the establishment of public employees' organisations under the domination of a public authority, or to support public employees' organisations by financial or other means, with the object of placing such organisations under the control of a public authority, shall be deemed to constitute acts of interference within the meaning of this Article.

### PART III. FACILITIES TO BE AFFORDED TO PUBLIC EMPLOYEES' ORGANISATIONS

#### *Article 6*

1. Such facilities shall be afforded to the representatives of recognised public employees' organisations as may be appropriate in order to enable them to carry out their functions promptly and efficiently, both during and outside their hours of work.

2. The granting of such facilities shall not impair the efficient operation of the administration or service concerned.

3. The nature and scope of these facilities shall be determined in accordance with the methods referred to in Article 7 of this Convention, or by other appropriate means.

#### PART IV. PROCEDURES FOR DETERMINING TERMS AND CONDITIONS OF EMPLOYMENT

##### *Article 7*

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organisations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters.

#### PART V. SETTLEMENT OF DISPUTES

##### *Article 8*

The settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved.

#### PART VI. CIVIL AND POLITICAL RIGHTS

##### *Article 9*

Public employees shall have, as other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

#### PART VII. FINAL PROVISIONS

##### *Article 10*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

##### *Article 11*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

##### *Article 12*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour

Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article

#### *Article 13*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

#### *Article 14*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### *Article 15*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 16*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### *Article 17*

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eighth day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.



# International Labour Conference

## Conférence internationale du Travail

### RECOMMENDATION 159

RECOMMENDATION CONCERNING PROCEDURES  
FOR DETERMINING CONDITIONS OF EMPLOYMENT  
IN THE PUBLIC SERVICE,  
ADOPTED BY THE CONFERENCE AT ITS SIXTY-FOURTH SESSION,  
GENEVA, 27 JUNE 1978

### RECOMMANDATION 159

RECOMMANDATION CONCERNANT LES PROCÉDURES DE  
DÉTERMINATION DES CONDITIONS D'EMPLOI  
DANS LA FONCTION PUBLIQUE,  
ADOPTÉE PAR LA CONFÉRENCE A SA SOIXANTE-QUATRIÈME SESSION,  
GENÈVE, 27 JUIN 1978

**RECOMMENDATION CONCERNING PROCEDURES FOR DETERMINING  
CONDITIONS OF EMPLOYMENT IN THE PUBLIC SERVICE**

The General Conference of the International Labour Organisation,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its Sixty-fourth Session on 7 June 1978, and

Having decided upon the adoption of certain proposals with regard to freedom  
of association and procedures for determining conditions of employment in  
the public service, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation  
supplementing the Labour Relations (Public Service) Convention, 1978,

adopts this twenty-seventh day of June of the year one thousand nine hundred and  
seventy-eight the following Recommendation, which may be cited as the Labour  
Relations (Public Service) Recommendation, 1978:

1. (1) In countries in which procedures for recognition of public employees' organisations apply with a view to determining the organisations to be granted, on a preferential or exclusive basis, the rights provided for under Parts III, IV or V of the Labour Relations (Public Service) Convention, 1978, such determination should be based on objective and pre-established criteria with regard to the organisations' representative character.

(2) The procedures referred to in subparagraph (1) of this Paragraph should be such as not to encourage the proliferation of organisations covering the same categories of employees.

2. (1) In the case of negotiation of terms and conditions of employment in accordance with Part IV of the Labour Relations (Public Service) Convention, 1978, the persons or bodies competent to negotiate on behalf of the public authority concerned and the procedure for giving effect to the agreed terms and conditions of employment should be determined by national laws or regulations or other appropriate means.

(2) Where methods other than negotiation are followed to allow representatives of public employees to participate in the determination of terms and conditions of employment, the procedure for such participation and for final determination of these matters should be determined by national laws or regulations or other appropriate means.

3. Where an agreement is concluded between a public authority and a public employees' organisation in pursuance of Paragraph 2, subparagraph (1), of this Recommendation, the period during which it is to operate and/or the procedure whereby it may be terminated, renewed or revised should normally be specified.

4. In determining the nature and scope of the facilities which should be afforded to representatives of public employees' organisations in accordance with Article 6, paragraph 3, of the Labour Relations (Public Service) Convention, 1978, regard should be had to the Workers' Representatives Recommendation, 1971.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Sixty-fourth Session which was held at Geneva and declared closed the twenty-eighth day of June 1978.

IN FAITH WHEREOF we have appended our signatures this twenty-seventh day of June 1978.

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,  
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :*  
*pour le Directeur général du Bureau international du Travail :*

## APPENDIX 2





Ottawa, Ontario  
K1A 0H8

January 5, 1976

Mr. T.M. Eberlee  
Deputy Minister  
Labour Canada  
2 Place du Portage  
Hull, Quebec  
K1A 0J2

Dear Mr. Eberlee:

Instruments adopted by the 61st Session  
of the International Labour Conference,  
Geneva, 1976

I refer to your inquiry of October 29, 1976  
regarding the appropriate legislative jurisdiction in  
respect of the following instruments adopted at the above-  
noted Session of the International Labour Conference:

Tripartite Consultation (International Labour Standards)  
Convention, 1976 (No. 144);

Tripartite Consultation (Activities of the International  
Labour Organization) Recommendation, 1976 (No. 152).

I have considered these instruments and am of the  
opinion that the matters contemplated by Convention 144 and  
Recommendation 152 fall within federal jurisdiction. This  
should not be taken as implying that a province could not  
establish some mechanism of consultation similar to what is  
proposed by ILO, but it is considered that legislation for  
the purpose would not be required. You may, therefore, wish  
to consider whether it would be appropriate to bring these  
instruments to the attention of the provincial governments.

Yours truly,

Deputy Attorney General





Ottawa, Ontario  
K1A 0H8

April 14, 1978

Mr. T.M. Eberlee,  
Deputy Minister,  
Department of Labour,  
Labour Canada,  
Ottawa, Ontario  
K1A 0J2

*Tom:*  
Dear Mr. Eberlee:

Re: Instruments adopted by the 62nd (Maritime) Session  
of the International Labour Conference, Geneva,  
October, 1976

I refer to your inquiry of 18 January 1977 regarding the appropriate legislative jurisdiction in respect of the instruments adopted at the above mentioned session of the International Labour Conference. I sincerely apologize for the delay in responding to your inquiry. Your letter, and the attachments thereto, arrived in this Department on 21 January 1977. Unfortunately, the records office of this Department inadvertently filed it away upon receipt. It only came to the attention of the responsible legal officer on 21 March 1978.

Your inquiry was in respect of the following instruments:

- A. Convention Concerning Continuity of Employment of Seafarers (Convention 145);
- B. Convention Concerning Annual Leave with Pay for Seafarers (Convention 146);
- C. Convention Concerning Minimum Standards in Merchant Ships (Convention 147);
- D. Recommendation Concerning the Protection of Young Seafarers (Recommendation 153);
- E. Recommendation Concerning Continuity of Employment of Seafarers (Recommendation 154);

F. Recommendation Concerning the Improvement  
of Standards in Merchant Ships (Recommend-  
ation 155).

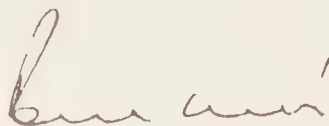
I have to advise that the subject matter of Convention 145 is within exclusive federal legislative jurisdiction, with the exception of Article 6 thereof, which is partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction. Similarly, the subject matter of Convention 147 is within exclusive federal legislative jurisdiction, with the exception of Articles 2(a)(ii), 2(b)(ii) and 2(e) thereof, which are partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction.

The subject matter of Recommendation 153 is within exclusive federal legislative jurisdiction. However, paragraphs 3(b), 8 and 10-20 involve matters partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction.

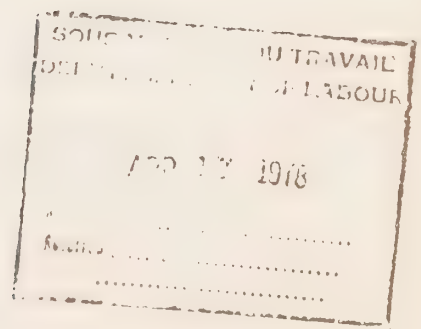
Recommendation 155 is partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction.

Convention 146 and Recommendation 154 are subject to exclusive federal legislative jurisdiction.

Yours truly,



Deputy Attorney General.





Ottawa, Ontario  
K1A 0H8  
November 29, 1977.

Mr. T.M. Eberlee,  
Deputy Minister,  
Department of Labour,  
Labour Canada,  
Ottawa, Ontario  
K1A 0J2

Dear Mr. Eberlee:

Re: Instruments adopted by the 63rd Session of the  
International Labour Conference, Geneva, June, 1977

I refer to your inquiry of 28 September 1977,  
regarding the appropriate legislative jurisdiction in respect  
of the following instruments adopted at the above session of  
the International Labour Conference:

- A. Convention concerning the Protection of Workers  
against Occupational Hazards in the Working  
Environment due to Air Pollution, Noise and  
Vibration (Convention 148).
- B. Recommendation concerning the Protection of  
Workers against Occupational Hazards in the  
Working Environment due to Air Pollution, Noise  
and Vibration (Recommendation 156).
- C. Convention concerning Employment and Conditions  
of Work and Life of Nursing Personnel  
(Convention 149).
- D. Recommendation concerning Employment and  
Conditions of Work and Life of Nursing Personnel  
(Recommendation 157).

I have to advise that the subject matter of Convention  
148 and Recommendation 156 is partially within provincial  
legislative jurisdiction and partially within federal legislative  
jurisdiction.

With respect to Convention 149, I have to advise that Article 2, paragraphs 1, 2(a), 3 and 4, and Articles 3 and 4 thereof, dealing with matters of education and regulation of the nursing profession, are within exclusive provincial jurisdiction. Article 2, paragraph 2(b), and Articles 5, 6, 7 and 8 of that Convention are concerned with matters of labour relations and are, therefore, partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction.

For the same reasons, I have to advise that Parts II, III, IV and VI of Recommendation 157 are subject to exclusive provincial legislative jurisdiction. Paragraph 24(3) of Part VI and Parts VII, VIII, IX, X, XI and XII are partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction. Part XIII which encourages international agreements for harmonising educational and professional standards and organizing personnel exchanges, is appropriate for provincial action, subject to the need for assistance and cooperation by the Department of External Affairs.

Yours truly,

/

Deputy Attorney General.



November 3, 1978

Mr. T.M. Eberlee,  
Deputy Minister,  
Department of Labour,  
Labour Canada,  
OTTAWA, Ontario.  
K1A 0J2.

Dear Mr. Eberlee:

RE: Instruments adopted by the 64th Session  
of the International Labour Conference,  
Geneva, 1978

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245185-1

I refer to your inquiry of September 21, 1978,  
regarding the appropriate legislative jurisdiction in  
respect of the following instruments adopted at the above  
session of the International Labour Conference:

- A. Convention concerning Labour Administration:  
Role, Functions and Organization (Convention  
150);
- B. Recommendation concerning Labour Administration:  
Role, Functions and Organization (Recommen-  
dation 158);
- C. Convention concerning Protection of the Right to  
Organize and Procedures for Determining  
Conditions of Employment in the Public  
Service (Convention 151); and
- D. Recommendation concerning Procedures for  
Determining Conditions of Employment in the  
Public Service (Recommendation 159).

I have to advise that the subject matter of Convention  
150 and Recommendation 158 is partially within provincial  
jurisdiction and partially within federal jurisdiction,  
subject to the following observations:

- (a) Article 8 of Convention 150 provides inter alia  
for the participation of the competent bodies

within the system of labour administration in "the representation of the State" in international labour affairs, and this matter is appropriate for federal action where the external representation of Canada as a sovereign state is involved.

- (b) Article 9 of the same Convention provides for the surveillance by "a ministry of labour or other comparable body" of para-statal, regional and local agencies. I have taken this clause to refer, in the Canadian context, to either federal or provincial ministries within their respective spheres of competence, and not to require any form of centralized national control.
- (c) Paragraph 12 of Recommendation 158 cites a number of specific examples of "employment policy." These generally are partially within federal and partially within provincial jurisdiction, except that "unemployment benefit schemes" are within exclusive federal jurisdiction to the extent that they take the form of unemployment insurance; and "vocational guidance and vocational training programmes" are primarily within provincial jurisdiction except to the extent that Parliament may authorize spending programmes or federal-provincial cooperative programmes for these purposes.

With respect to Convention 151 and Recommendation 159, I have to advise that these instruments are partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction, according to whether the public authorities to which these instruments apply are under provincial or federal jurisdiction.

Yours truly,

R. Tasse,  
Deputy Attorney General of Canada

### APPENDIX 3



The Vote of Canadian delegates regarding the instruments adopted by the ILO Conference in June 1976, October 1976, June 1977 and June 1978.

June 1976

<u>Convention 144:</u>	<u>Tripartite Consultation</u>	
<u>Total Vote:</u>	For:	305
	Against:	0
	Abstentions:	70
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

<u>Recommendation 152:</u>	<u>Tripartite Consultation</u>	
<u>Total Vote:</u>	For:	354
	Against:	0
	Abstentions:	7
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

October 1976 (Maritime)

<u>Convention 145:</u>	<u>Continuity of Employment of Seafarers</u>	
<u>Total Vote:</u>	For:	213
	Against:	4
	Abstentions:	10
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

<u>Recommendation 154:</u>	<u>Continuity of Employment of Seafarers</u>	
<u>Total Vote:</u>	For:	207
	Against:	0
	Abstentions:	11
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

Recommendation 153: Protection of Young Seafarers

<u>Total Vote:</u>	For:	233
	Against:	0
	Abstentions:	2

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

Convention 146: Annual Leave with Pay for Seafarers

<u>Total Vote:</u>	For:	183
	Against:	25
	Abstentions:	18

<u>Canada:</u>	Workers:	For
	Employers:	Against
	Government:	Abstention

Convention 147: Minimum Standards in Merchant Ships

<u>Total Vote:</u>	For:	160
	Against:	0
	Abstentions:	67

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

Recommendation 155: Improvement of Standards in Merchant Ships

<u>Total Vote:</u>	For:	211
	Against:	0
	Abstentions:	15

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For



June 1977

Convention 148: Working Environment (Air Pollution, Noise and Vibration)

<u>Total Vote:</u>	For:	405
	Against:	0
	Abstentions:	6

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

Recommendation 156: Working Environment (Air Pollution, Noise and Vibration)

<u>Total Vote:</u>	For:	399
	Against:	0
	Abstentions:	3

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

Convention 149:            Nursing Personnel

<u>Total Vote:</u>	For:	332
	Against:	0
	Abstentions:	64

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

### Recommendation 157: Nursing Personnel

<u>Total Vote:</u>	For:	360
	Against:	0
	Abstentions:	36

<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

June 1978

<u>Convention 150:</u>	<u>Labour Administration</u>	
<u>Total Vote:</u>	For:	408
	Against:	0
	Abstentions:	0
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For
<u>Recommendation 158:</u>	<u>Labour Administration</u>	
<u>Total Vote:</u>	For:	396
	Against:	0
	Abstentions:	0
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For
<u>Convention 151:</u>	<u>Labour Relations (Public Service)</u>	
<u>Total Vote:</u>	For:	331
	Against:	0
	Abstentions:	54
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For
<u>Recommendation 159:</u>	<u>Labour Relations (Public Service)</u>	
<u>Total Vote:</u>	For:	349
	Against:	0
	Abstentions:	33
<u>Canada:</u>	Workers:	For
	Employers:	For
	Government:	For

## APPENDIX 4



## Article 19 of the ILO Constitution:

### Conventions and Recommendations

### Decisions of the Conference

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

### Vote required

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation as the case may be, by the Conference.

### Modifications for special local conditions

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

### Authentic texts

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

### Obligations of Members in respect of Conventions

5. In the case of a Convention -  
(a) the Convention will be communicated to all Members for ratification;

- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.



Obligations of  
Members in respect  
of Recommendations

6. In the case of a Recommendation -

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

Obligations of  
Federal States

7. In the case of a federal State,  
the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons rather than for federal action, the federal government shall -
  - (i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action;
  - (ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;

- (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;
- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

Effect of  
Conventions and  
Recommendations  
on more favourable  
existing  
provisions

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.















